

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA) NO. 5:11-CR-015-C
VS.) AMARILLO, TEXAS
KHALID ALI-M ALDAWSARI) JUNE 21, 2012

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE DONALD E. WALTER,
UNITED STATES DISTRICT JUDGE, AND A JURY.

VOLUME 1

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY; TRANSCRIPT
PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

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1 P R O C E E D I N G S

2 THE COURT: The defendant is not here yet. We're
3 going to pick--we'll pick the jury. They will be all seated
4 out there. Yes, you--get close to the microphone. I do ask
5 that you use the microphone, but, of course--I guess you can
6 stand this side of the--but you need notes. However you're
7 most comfortable during your voir dire.

8 MR. COGDELL: I don't know that I'm ever most
9 comfortable.

10 THE COURT: Do you want to be on this side?

11 MR. COGDELL: Yes, sir, I think--I suppose so. I
12 may be using some visuals for voir dire, so--

13 THE COURT: Visuals for voir dire?

14 MR. COGDELL: Yes, sir.

15 THE COURT: I'll watch, but I doubt it.

16 MR. COGDELL: Fair enough.

17 THE COURT: Okay.

18 MR. COGDELL: You are aware, of course, Judge, that
19 Mr. Aldawsari is not yet in the courtroom.

20 THE COURT: I know.

21 Anything-- Here's what I think we're going to do,
22 depending on how fast we can pick the jury. If it takes very
23 long, we won't begin the trial until tomorrow morning, but we
24 will use the afternoon to go through some motions that are
25 before me right now--

1 MR. COGDELL: Yes, sir.

2 THE COURT: --to discuss those and to whether--
3 whether they're going to be admissible or not admissible and
4 get ourself in order to start tomorrow morning. But everything
5 depends on how we how fast we pick the jury.

6 MR. COGDELL: Yes, sir.

7 THE COURT: You know, I've said we're going to get
8 sixteen. Do we really need sixteen?

9 MR. COGDELL: I don't think so, Judge.

10 THE COURT: Fourteen ought to do.

11 MR. COGDELL: I just don't see this going longer
12 than ten days, max. Probably less than that.

13 THE COURT: I see it going about five, but--

14 MR. COGDELL: Fair enough.

15 MR. HAAG: I believe so, Your Honor. I think that
16 even if we start Friday morning, we can finish by the end of
17 next week.

18 THE COURT: We'll just do fourteen.

19 MR. COGDELL: A couple of questions, Judge.

20 THE COURT: Yes, sir.

21 MR. COGDELL: I have Jonathan Leach, who is our jury
22 consultant in the room. Mr. Leach, would you stand?

23 Where would you like Mr. Leach?

24 THE COURT: Where would you like him to sit?

25 MR. COGDELL: Right back there will be great.

1 THE COURT: That will be fine.

2 MR. COGDELL: The other fellow I have is a
3 nontestifying expert, Danny Coulson, former deputy director of
4 the FBI who's kind of assisting us with an overview. He's not
5 testifying. May he remain?

6 THE COURT: Okay. All right. I assume we're going
7 to invoke the rule of sequestration.

8 MR. HAAG: Yes, Your Honor.

9 MR. COGDELL: Yes, sir.

10 THE COURT: It is my custom, rather than bringing
11 them all in and swearing them and all that, to make each lawyer
12 responsible for making sure that their witnesses obey the rule.
13 Is that acceptable to you--

14 MR. HAAG: Yes, Your Honor, it is.

15 THE COURT: --Mr. Haag?

16 MR. COGDELL: It is.

17 THE COURT: Mr. Cogdell?

18 MR. COGDELL: Yes, sir.

19 THE COURT: All right. That's what we will do then.

20 Well, as soon as we get the defendant in-- I don't
21 know; can we go ahead and seat the jury?

22 COURTROOM DEPUTY: Let me check with the jury clerk.

23 THE COURT: Okay.

24 MR. DOYLE: If we could, Judge, we haven't had a
25 chance to see him, and we had an issue of making sure he was--

1 THE COURT: Oh, okay.

2 MR. DOYLE: --he was clean shaven and--

3 THE COURT: Okay. We'll hold off.

4 COURT SECURITY OFFICER: Your Honor, the jury is
5 still coming in at this time.

6 THE COURT: Oh, okay.

7 All right. I'll do the formality. Is the
8 government ready?

9 MR. HAAG: The United States is ready, Your Honor.

10 THE COURT: Defense ready?

11 MR. COGDELL: Defense is ready, Your Honor.

12 THE COURT: Okay.

13 MR. COGDELL: Where is the--is--just so we don't
14 bump into them inadvertently, where is the jury going to be
15 kept during the--they'll go to the jury room, but do they hang
16 out downstairs? What's the court's--

17 COURT SECURITY OFFICER: Sir, the jury room is
18 behind that door.

19 THE COURT: And that's--once it's picked, that's
20 where I'm going to ask them to stay.

21 MR. COGDELL: Yes, sir. Fine.

22 (PAUSE)

23 MR. COGDELL: One other housekeeping matter, Your
24 Honor, if I may.

25 THE COURT: Yes.

1 MR. COGDELL: Patton Boggs is now sort of the
2 supervisory firm over our efforts, if you will, and one of the
3 partners, Cass Weiland, is here. He's not going to have a
4 speaking role. He's, I think, going to be in and out to
5 observe. He doesn't need to be inside the rail because he's
6 not going to have a speaking role--

7 THE COURT: If he's a member of the bar, he can sit
8 inside the rail if he wants to.

9 MR. COGDELL: Okay. Fair enough. Thank you, Judge.

10 (PAUSE)

11 THE COURT: While we're sitting and waiting, here's
12 what I want y'all to be thinking about and here's what we're
13 going to discuss after the jury is picked. I think that the
14 government's case will be limited to evidence relevant to these
15 issues: First, that the defendant knowingly attempted to use a
16 weapon of mass destruction; second, that he attempted to use it
17 against a person or property in the U.S. and that mail or
18 interstate facilities were used; and three, that the defendant
19 intended to commit the offense and did a substantial step
20 toward the commission of the offense.

21 I think that's all that needs to come in on the
22 government's case-in-chief. There may be some stuff--other
23 matters may become relevant during rebuttal, depending on what
24 the defendant does. So be thinking about that and trying to
25 argue me out of it if you want to.

1 MR. COGDELL: I'm with the court. I think that's
2 where we're going. I think that's where we are.

3 THE COURT: Oh, let me check with you, Mr. Cogdell.
4 I gather that the insanity defense is out now?

5 MR. COGDELL: It is.

6 THE COURT: Brown will not testify?

7 MR. COGDELL: Brown will not testify at these
8 proceedings. We may see him later on.

9 THE COURT: I understand.

10 We'll talk about the rest of it later. Okay.

11 (BRIEF RECESS TAKEN)

12 (THE PANEL MEMBERS ARE SEATED IN THE COURTROOM)

13 THE COURT: Good morning. You may be seated.

14 Good morning, ladies and gentlemen. We appreciate
15 you coming in here today. I understand you're not here
16 entirely voluntarily. Some of you would probably rather be
17 someplace else. We understand that. Believe me, we would not
18 so disrupt your lives except on a matter of a most serious
19 nature, a criminal trial here in the United States District
20 Court for the Northern District of Texas.

21 I know that some of you are apprehensive about being
22 here. We understand that too. I assure you, all of us--the
23 court personnel, the lawyers, and I will do everything we can
24 to minimize the inconvenience to you and to take as little of
25 your time as is possible. But it is a serious matter that

1 we're concerned with today, so please give us your patience,
2 attention, and indulgence.

3 Let me introduce myself. My name is Donald Walter.
4 The courtroom deputy clerk seated here, who will swear in the
5 witnesses and keep track of the exhibits, keep things running
6 smoothly, is Elodia Brito. Mechelle Daniel to my right is the
7 court reporter. She takes down everything that we say, and she
8 asks only that we speak up so that she can hear and understand
9 us.

10 My law clerks to my left are Melanie Wise and
11 Caroline Gardner. Melanie went to school at--law school at the
12 University of Arkansas, and Caroline attended Louisiana State
13 University. They help me with questions of law and procedures.

14 Twelve of you will ultimately be selected to serve
15 as jurors to decide the case that we're considering today.
16 Actually we're going to select fourteen to hear the case, and
17 then just before you go to the jury room to deliberate, we will
18 select the two alternates and allow them to leave. The
19 remaining twelve will deliberate and decide the case.

20 We're going to begin the process of picking the
21 jury. It's known as the voir dire. It's-- Lawyers want to
22 listen to you, and I want to talk to you and ask you some
23 questions. It's part of how we get fair trials. Different
24 people have different views of things, and some are more able
25 to make a fair and impartial judgment about a particular topic

1 than others, and a lot of reasons for that. None of them are
2 bad or embarrassing. What we do in life, the type of work we
3 do, all those things color, in great and small ways, our
4 ability to decide something.

5 What we want to do in this courtroom is to get the
6 defendant judged on the merits of his case and not by any
7 predispositions or opinions of jurors. So with that in mind,
8 we're going to be asking you questions about yourselves. Not
9 to pry; just to get to know you a little. It's how we make
10 sure we have a jury that will try the case fairly.

11 We ask you to help by thinking about yourselves and
12 what your reactions to the case are and to the people involved.
13 If your response is strongly positive or negative about
14 something, let me know. That's the right thing to do.
15 Sometimes the fairest and best thing that you can do is to
16 disqualify yourself even if you really want to serve. But on
17 the other hand, if you're confident that you can be neutral,
18 you'll be making a very important contribution to our system of
19 laws by staying and serving.

20 I am convinced, after 27 years on the bench, that
21 twelve jurors make sense more often than we judges do. I think
22 it's the finest thing that got left to us by the English
23 system. But it depends on drawing from a broad cross-section
24 of the community. It would not do to have all butchers and
25 bakers and candlestick makers. What we want is a broad

1 cross-section of Americana. So if you are thinking that you
2 don't want to be here, please don't judge so quickly. Everyone
3 I have ever talked to, after serving on a jury, tells me that
4 it's one of the most satisfying things they have ever done.
5 It's one way to make a difference. So please don't waste your
6 chance.

7 I have a favor to ask of you, and it's important.
8 Please do not talk to your fellow jurors--fellow prospective
9 jurors about this case or the procedures we're going through.

10 Now, if all of you would rise, raise your right
11 hand, and be sworn or affirmed.

12 (THE PANEL MEMBERS ARE SWORN)

13 THE COURT: Have a seat, please.

14 As I said, this is a criminal case in which the
15 United States Government has brought a charge against the
16 defendant. Both the government and the defendant have the
17 right to have this case tried by qualified, fair and impartial
18 jurors who are responsible and capable and who will, without
19 fear or favor, without bias, prejudice, or sympathy, hear and
20 decide the issues to be tried fairly and objectively, and who
21 will render a verdict based solely on the evidence admitted
22 during the course of trial and the law as I give it at the end
23 of the trial.

24 As I explained, a juror's qualifications may not be
25 assumed without inquiry, and that's the voir dire. During it,

1 your qualifications and impartiality as prospective jurors will
2 be determined. What we want to do is develop the whole truth
3 concerning the competency of each of you, your frame of mind,
4 and your ability to do your sworn duty in accordance with the
5 juror's oath. Your answers to these questions will enable me
6 to determine whether any of you should be excused for cause,
7 and it will also allow counsel for the parties to make
8 intelligent use of peremptory challenges, that is, challenges
9 that the law gives without having to assign a particular
10 reason.

11 Please, your answers to my questions must be
12 complete, as well as truthful. Each of you is under a
13 compulsion to disclose, upon a general question, any matter
14 that might tend to disqualify you for any reason from sitting
15 on the jury. False or misleading answers might result in a
16 seating of a juror who might have been discharged by me or
17 stricken through the exercise of a peremptory challenge and
18 could result in a miscarriage of justice. I'm going to be
19 asking you questions collectively, but please consider them as
20 if I am directing to them individually--to you individually.

21 This case comes by way of an indictment, and in that
22 indictment, the government has charged the defendant, Khalid
23 Ali-M Aldawsari, with attempted use of a weapon of mass
24 destruction. The defendant has entered a plea of not guilty to
25 the charge in the indictment and has thereby raised issues of

1 fact to be tried by a jury of his peers.

2 During trial, everyone that you will need to be
3 hearing will be using a microphone and have their voices
4 amplified, as mine is now. With that in mind, in the first row
5 on the left, if you can hear me, raise your hand.

6 Okay. And the first row on the-- That's right.
7 It's backwards.

8 This row, first row, if you can hear me, raise your
9 hand.

10 Now, second row, if you can, raise your--up high so
11 I can see. All right.

12 And second row here. Okay.

13 And third row here. Okay.

14 And third row over here. All right.

15 Back when I was a young judge, I used to ask, if you
16 can't hear me, raise your hand. And, of course, this lady
17 couldn't hear me, so she didn't raise her hand, and she got
18 picked as a juror and she sat for the whole trial, and only
19 when I was polling the jury did she say, "I haven't heard one
20 word," so we had to start all over again. Anyway, okay.

21 If any of you cannot--if you cannot read, write,
22 speak, or understand the English language, raise your hand.

23 If any of you cannot see sufficiently well to see my
24 face, raise your hand.

25 If any of you have been convicted of a felony, that

1 is, a crime with a penalty greater than a year, in either state
2 or federal court and have not received a pardon, raise your
3 hand.

4 Okay. The attorneys in this case can challenge your
5 becoming a member of the jury for several reasons; indeed, for
6 reasons not so easily explained. So in order to intelligently
7 use those challenges, they need to know something about you.

8 So I'm going to start with Ms. Nicholson. Yes, if
9 you'll hand her the-- Ms. Nicholson, tell us your name.

10 PANEL MEMBER: Sarah Nicholson.

11 THE COURT: And where do you live?

12 THE PANEL MEMBER: In Amarillo.

13 THE COURT: How long have you lived here, about?

14 THE PANEL MEMBER: Seven years.

15 THE COURT: Okay. And who lives at home with you?

16 THE PANEL MEMBER: My husband and my dogs and my
17 cat.

18 THE COURT: How old is your daughter?

19 THE PANEL MEMBER: My dogs are seven and eight.

20 THE COURT: Oh, I thought you said daughter.

21 THE PANEL MEMBER: No.

22 THE COURT: Don't care about your dog.

23 THE PANEL MEMBER: Okay.

24 THE COURT: Is your husband employed?

25 THE PANEL MEMBER: Yes.

1 THE COURT: Where?

2 THE PANEL MEMBER: At Auto Zone.

3 THE COURT: Where?

4 THE PANEL MEMBER: Auto Zone.

5 THE COURT: And what does he do there?

6 THE PANEL MEMBER: He's an assistant manager.

7 THE COURT: And are you employed outside the home?

8 THE PANEL MEMBER: Yes.

9 THE COURT: Where?

10 THE PANEL MEMBER: At Pampa Regional Medical Center.

11 THE COURT: What do you do there?

12 THE PANEL MEMBER: I'm a nurse.

13 THE COURT: And your educational level, please?

14 THE PANEL MEMBER: I have an associates in nursing.

15 THE COURT: Okay. Thank you, ma'am.

16 Somebody hand me a pen, please. I seem to have left
17 my-- No, I have it.

18 Mr. Sargent, your name, please?

19 PANEL MEMBER: Andrew Sargent.

20 THE COURT: From?

21 THE PANEL MEMBER: Canyon.

22 THE COURT: How long in Canyon?

23 THE PANEL MEMBER: About eight years.

24 THE COURT: And who lives at home with you, sir?

25 THE PANEL MEMBER: My mom and my dad.

1 THE COURT: Are they employed?

2 THE PANEL MEMBER: Yes.

3 THE COURT: Where?

4 THE PANEL MEMBER: My mom works at the hospital and
5 my dad is a postman.

6 THE COURT: And are you employed?

7 THE PANEL MEMBER: Yes.

8 THE COURT: Where?

9 THE PANEL MEMBER: Love's Truck Stop.

10 THE COURT: What do you do there?

11 THE PANEL MEMBER: I'm a diesel clerk.

12 THE COURT: And your educational level?

13 THE PANEL MEMBER: High school and some college.

14 THE COURT: Thank you, sir.

15 Ms. Victor, your name, please, ma'am?

16 PANEL MEMBER: Sarah Victor.

17 THE COURT: From?

18 THE PANEL MEMBER: Amarillo, Texas.

19 THE COURT: How long?

20 THE PANEL MEMBER: Twenty-one years.

21 THE COURT: And who lives at home with you?

22 THE PANEL MEMBER: My mother.

23 THE COURT: And is she employed?

24 THE PANEL MEMBER: Yes.

25 THE COURT: Where?

1 THE PANEL MEMBER: She is self-employed. She cleans
2 houses.

3 THE COURT: As? What does she do?

4 THE PANEL MEMBER: She cleans houses.

5 THE COURT: And are you employed?

6 THE PANEL MEMBER: Yes.

7 THE COURT: Where?

8 THE PANEL MEMBER: Wal-Mart.

9 THE COURT: And what do you do at Wal-Mart?

10 THE PANEL MEMBER: I am an overnight stocker.

11 THE COURT: And your educational level?

12 THE PANEL MEMBER: High school and some college.

13 THE COURT: Thank you, ma'am.

14 Mr. McDonald, your name, please?

15 PANEL MEMBER: Kevin McDonald.

16 THE COURT: From?

17 THE PANEL MEMBER: Amarillo.

18 THE COURT: How long?

19 THE PANEL MEMBER: Well, we're here, moved around a
20 bit, but my wife and I have been here for the better part of
21 the last nineteen years.

22 THE COURT: Okay. And who lives at home with you?

23 THE PANEL MEMBER: My wife and three--four children.

24 THE COURT: How old are they?

25 THE PANEL MEMBER: I am thirty-eight.

1 THE COURT: No, how old are they?

2 THE PANEL MEMBER: Oh, how old are they? This is
3 going to be hard. They start at seventeen, fifteen, thirteen,
4 and eleven.

5 THE COURT: None of them employed? All in school?

6 THE PANEL MEMBER: All in school, yes, sir.

7 THE COURT: And you, sir, are you employed?

8 THE PANEL MEMBER: Yes, sir.

9 THE COURT: Where?

10 THE PANEL MEMBER: EnergyNet.com, Inc., here in
11 Amarillo.

12 THE COURT: And what do you do?

13 THE PANEL MEMBER: I am a web developer, project
14 manager, presentation creator, document writer, graphics.

15 THE COURT: Okay. You know, I find it funny,
16 fathers can never name the ages of their children; mothers
17 always can. Oh, well.

18 And your wife, is she employed outside the home?

19 THE PANEL MEMBER: Yes, sir. She is the--

20 THE COURT: Where?

21 THE PANEL MEMBER: She works for Audio-Video
22 Corporation as an accountant.

23 THE COURT: And your educational level?

24 THE PANEL MEMBER: Associates degree and some--a
25 little bit of college beyond that.

1 THE COURT: Thank you, sir.

2 THE PANEL MEMBER: Thank you.

3 THE COURT: Ms. Barrett, your name, please, ma'am?

4 PANEL MEMBER: Pamela Barrett.

5 THE COURT: From?

6 THE PANEL MEMBER: Amarillo, Texas.

7 THE COURT: How long in Amarillo?

8 THE PANEL MEMBER: Twenty-one years.

9 THE COURT: And who lives at home with you?

10 THE PANEL MEMBER: My husband, a 13-year-old,
11 16-year-old, now the 21-year-old at college.

12 THE COURT: 21-year-old is in college?

13 THE PANEL MEMBER: Thirteen more hours.

14 THE COURT: Okay. And is your husband employed?

15 THE PANEL MEMBER: Yes, he is.

16 THE COURT: Where?

17 THE PANEL MEMBER: He is a high school principal
18 here in town.

19 THE COURT: Okay. And are you employed outside the
20 home?

21 THE PANEL MEMBER: Yes, I am. I'm a high school
22 librarian here in town.

23 THE COURT: And your educational level?

24 THE PANEL MEMBER: BS in business, English
25 education, MLS in--that's master's of library science.

1 THE COURT: Okay. Thank you, ma'am.

2 Mr. Fatherree? Am I pronouncing that correctly?

3 PANEL MEMBER: Fatherree.

4 THE COURT: Mr. Fatherree, your name, please?

5 THE PANEL MEMBER: Timothy Hobart Fatherree.

6 THE COURT: From?

7 THE PANEL MEMBER: Pampa, Texas.

8 THE COURT: How long?

9 THE PANEL MEMBER: Basically my whole life.

10 THE COURT: And who lives at home with you, sir?

11 THE PANEL MEMBER: My wife and my dog.

12 THE COURT: How old is your daughter?

13 THE PANEL MEMBER: Dog.

14 THE COURT: I'm not hearing very well, and I'm
15 sorry. Okay. Is your wife employed outside the home?

16 THE PANEL MEMBER: Yes.

17 THE COURT: Where?

18 THE PANEL MEMBER: She works for our business.

19 She works at our business.

20 THE COURT: Okay. And your business is?

21 THE PANEL MEMBER: Culligan Water.

22 THE COURT: And what is--

23 THE PANEL MEMBER: Culligan Water.

24 THE COURT: Uh-huh.

25 THE PANEL MEMBER: "Hey, Culligan Man."

1 THE COURT: Oh, okay. And your educational level,
2 sir?

3 THE PANEL MEMBER: High school and some college.

4 THE COURT: Thank you, sir.

5 Ms. Godsey, your name, please?

6 PANEL MEMBER: Roberta Godsey.

7 THE COURT: From?

8 THE PANEL MEMBER: Stratford, Texas.

9 THE COURT: How long in Stratford?

10 THE PANEL MEMBER: Twenty-eight years.

11 THE COURT: And who lives at home with you?

12 THE PANEL MEMBER: My husband.

13 THE COURT: Is he employed?

14 THE PANEL MEMBER: Yes, he is.

15 THE COURT: Where?

16 THE PANEL MEMBER: He owns a business, a pilot car
17 service.

18 THE COURT: And are you employed outside the home?

19 THE PANEL MEMBER: Yes, I am.

20 THE COURT: Where?

21 THE PANEL MEMBER: Texas Department of Family and
22 Protective Services.

23 THE COURT: And what do you do there?

24 THE PANEL MEMBER: I'm a CPS investigator.

25 THE COURT: Okay. Thank you. Oh, your educational

1 level?

2 THE PANEL MEMBER: Master's degree.

3 THE COURT: Thank you, ma'am.

4 Mr. Alvarez, your name, please?

5 PANEL MEMBER: Marcos Alvarez, Jr.

6 THE COURT: From?

7 THE PANEL MEMBER: Perryton, Texas.

8 THE COURT: How long?

9 THE PANEL MEMBER: Going on thirty years.

10 THE COURT: And who lives at home with you, sir?

11 THE PANEL MEMBER: My wife.

12 THE COURT: And is she employed outside the home?

13 THE PANEL MEMBER: Yes, sir.

14 THE COURT: Where?

15 THE PANEL MEMBER: At Weatherford Pump Units.

16 THE COURT: What does she do there?

17 THE PANEL MEMBER: She's a secretary.

18 THE COURT: And you, sir, are you employed?

19 THE PANEL MEMBER: Yes, sir.

20 THE COURT: Where?

21 THE PANEL MEMBER: I drive a truck for Mud Haulers,
22 Inc., out of Perryton.

23 THE COURT: And your educational level?

24 THE PANEL MEMBER: High school.

25 THE COURT: Thank you, sir.

1 Mr. Green, your name, please?

2 PANEL MEMBER: My name ain't Mr. Green.

3 THE COURT: From? Wait, I'm sorry. I'm sorry. I
4 beg your pardon. Mr. Martinez?

5 THE PANEL MEMBER: My name is Osvaldo Martinez.

6 THE COURT: From?

7 THE PANEL MEMBER: Amarillo, Texas.

8 THE COURT: How long?

9 THE PANEL MEMBER: Been here seven years.

10 THE COURT: And who lives at home with you, sir?

11 THE PANEL MEMBER: My mom and dad.

12 THE COURT: And are they employed?

13 THE PANEL MEMBER: My dad ain't. My mom is.

14 THE COURT: I'm sorry. Your dad is?

15 THE PANEL MEMBER: Isn't.

16 THE COURT: Isn't. And your--is he retired?

17 THE PANEL MEMBER: No, he's just at the house right
18 now.

19 THE COURT: Okay. And your mother is employed
20 where?

21 THE PANEL MEMBER: Federal--People's Federal Credit
22 Union.

23 THE COURT: And what does she do there; do you know?

24 THE PANEL MEMBER: I think she's, like, a loan
25 officer.

1 THE COURT: And you, sir, are you employed?

2 THE PANEL MEMBER: Yes, sir.

3 THE COURT: Where?

4 THE PANEL MEMBER: Swisher Electric.

5 THE COURT: What do you do there?

6 THE PANEL MEMBER: I'm an apprentice right now for a
7 lineman.

8 THE COURT: Okay. And your educational level?

9 THE PANEL MEMBER: High school right now.

10 THE COURT: Thank you, sir.

11 Mr. Green, your name, please?

12 PANEL MEMBER: Bonner Green.

13 THE COURT: From?

14 THE PANEL MEMBER: Amarillo.

15 THE COURT: How long here?

16 THE PANEL MEMBER: Five years.

17 THE COURT: And who lives at home with you, sir?

18 THE PANEL MEMBER: My wife, Pam.

19 THE COURT: Is she employed outside the home?

20 THE PANEL MEMBER: No.

21 THE COURT: Are you employed, sir?

22 THE PANEL MEMBER: No.

23 THE COURT: Retired?

24 THE PANEL MEMBER: Yes, sir.

25 THE COURT: From?

1 THE PANEL MEMBER: Railroad and photography.

2 THE COURT: And your educational level, sir?

3 THE PANEL MEMBER: Fourteen years.

4 THE COURT: Thank you, sir.

5 Ms. Henson?

6 PANEL MEMBER: Yes.

7 THE COURT: Your name, please?

8 THE PANEL MEMBER: My name is Machille Henson. I'm
9 from Wheeler, Texas.

10 THE COURT: How long?

11 THE PANEL MEMBER: Forty-seven years.

12 THE COURT: And who lives at home with you?

13 THE PANEL MEMBER: My husband and my 13-year-old
14 son.

15 THE COURT: And your husband, is he employed?

16 THE PANEL MEMBER: He is a farmer/rancher. Farming
17 and ranching.

18 THE COURT: Okay. And--all right. Are you
19 employed?

20 THE PANEL MEMBER: Yes, sir.

21 THE COURT: Where?

22 THE PANEL MEMBER: I teach school at Wheeler ISD,
23 fifth and sixth grade, for thirty-three years.

24 THE COURT: All right. Thank you. Your education
25 level, first?

1 THE PANEL MEMBER: BS, bachelor's of science.
2 THE COURT: Thank you, ma'am.
3 Mr. Billstrom?
4 PANEL MEMBER: Yes.
5 THE COURT: Your name, please?
6 THE PANEL MEMBER: Gary Billstrom.
7 THE COURT: From?
8 THE PANEL MEMBER: Amarillo, Texas.
9 THE COURT: How long?
10 THE PANEL MEMBER: Since 1962.
11 THE COURT: And who lives at home with you, sir?
12 THE PANEL MEMBER: I live alone.
13 THE COURT: And are you employed?
14 THE PANEL MEMBER: OwensCorning Fiberglass.
15 THE COURT: What do you do for them?
16 THE PANEL MEMBER: I work for a maintenance
17 department.
18 THE COURT: And your educational level?
19 THE PANEL MEMBER: High school and some college.
20 THE COURT: Thank you, sir.
21 Ms. Arroyos?
22 PANEL MEMBER: Yes, sir.
23 THE COURT: Your name, please?
24 THE PANEL MEMBER: Debra Arroyos.
25 THE COURT: From?

1 THE PANEL MEMBER: Hereford, Texas.

2 THE COURT: How long?

3 THE PANEL MEMBER: Fifty years.

4 THE COURT: And who lives at home with you?

5 THE PANEL MEMBER: Myself and my husband and two of
6 our children.

7 THE COURT: How old are the children?

8 THE PANEL MEMBER: They are nineteen and sixteen.

9 THE COURT: Are either of them employed, or are they
10 both in school?

11 THE PANEL MEMBER: My son is working for the school
12 this summer.

13 THE COURT: Okay. And your other son?

14 THE PANEL MEMBER: My daughter is not employed.

15 THE COURT: Okay. And is your husband employed?

16 THE PANEL MEMBER: He works for Deaf Smith County.

17 THE COURT: Say again, please?

18 THE PANEL MEMBER: Deaf Smith County.

19 THE COURT: And what does he do there?

20 THE PANEL MEMBER: He does road maintenance.

21 THE COURT: And are you employed outside the home?

22 THE PANEL MEMBER: Yes, I am. I work at Willis
23 Insurance.

24 THE COURT: And what do you do there?

25 THE PANEL MEMBER: I'm an insurance representative.

1 THE COURT: And your educational level?

2 THE PANEL MEMBER: Bachelor's in business.

3 THE COURT: Thank you, ma'am.

4 Mr. White?

5 PANEL MEMBER: Carroll White.

6 THE COURT: From?

7 THE PANEL MEMBER: Mobeetie, Texas.

8 THE COURT: How long?

9 THE PANEL MEMBER: Thirty-five years.

10 THE COURT: Who lives at home with you?

11 THE PANEL MEMBER: My wife and youngest boy.

12 THE COURT: How old is your youngest boy?

13 THE PANEL MEMBER: Twenty-two.

14 THE COURT: How old?

15 THE PANEL MEMBER: Twenty-two.

16 THE COURT: Is he employed?

17 THE PANEL MEMBER: Yeah, he works for PBR.

18 THE COURT: What does he do there?

19 THE PANEL MEMBER: He's a field operator.

20 THE COURT: And is your wife employed outside the

21 home?

22 THE PANEL MEMBER: First Ag Credit, Wheeler.

23 THE COURT: What does she do there?

24 THE PANEL MEMBER: She's a secretary.

25 THE COURT: And are you employed?

1 THE PANEL MEMBER: Yes, MSO, Conoco Phillips.

2 THE COURT: And your educational level?

3 THE PANEL MEMBER: High school and some trade
4 school.

5 THE COURT: Thank you, sir.

6 Ms. Maloy, your name, please?

7 PANEL MEMBER: Erin Maloy.

8 THE COURT: From?

9 THE PANEL MEMBER: Amarillo, Texas.

10 THE COURT: How long?

11 THE PANEL MEMBER: Twenty-six years, if you count--
12 if you exclude travel.

13 THE COURT: I'm--oh, okay.

14 THE PANEL MEMBER: Sorry.

15 THE COURT: And who lives at home with you?

16 THE PANEL MEMBER: My parents, mom and dad.

17 THE COURT: And are they employed?

18 THE PANEL MEMBER: Yes, diesel mechanic and a
19 teacher.

20 Diesel mechanic--

21 THE COURT: He's a mechanic and she's a teacher?

22 THE PANEL MEMBER: Uh-huh.

23 THE COURT: And are you employed?

24 THE PANEL MEMBER: Yes.

25 THE COURT: Where?

1 THE PANEL MEMBER: I'm self-employed, and I also
2 work for Equine Mega Omega and HorseCouponBook.com.

3 THE COURT: Okay. And what--tell me about the
4 self-employment.

5 THE PANEL MEMBER: I do advertising, marketing, and
6 social media.

7 THE COURT: Okay. And your educational level?

8 THE PANEL MEMBER: Some college and a high school
9 graduate.

10 THE COURT: Thank you, ma'am.

11 THE PANEL MEMBER: You're welcome.

12 THE COURT: Mr. Garcia, your name, please?

13 PANEL MEMBER: Jonny Garcia.

14 THE COURT: From?

15 THE PANEL MEMBER: Amarillo.

16 THE COURT: How long?

17 THE PANEL MEMBER: Twenty years.

18 THE COURT: Who lives at home with you, sir?

19 THE PANEL MEMBER: My girlfriend, Pam.

20 THE COURT: Is she employed?

21 THE PANEL MEMBER: No, sir.

22 THE COURT: Are you employed?

23 THE PANEL MEMBER: Yes, sir.

24 THE COURT: Where?

25 THE PANEL MEMBER: Northwest Surgery Center.

1 THE COURT: What do you do there?

2 THE PANEL MEMBER: Housekeeping.

3 THE COURT: And your educational level?

4 THE PANEL MEMBER: High school.

5 THE COURT: Thank you, sir.

6 Mr. Keeler, your name, please?

7 PANEL MEMBER: My name is Gary Keeler.

8 THE COURT: From?

9 THE PANEL MEMBER: Amarillo, Texas.

10 THE COURT: How long?

11 THE PANEL MEMBER: Twenty-six years.

12 THE COURT: And who lives at home with you, sir?

13 THE PANEL MEMBER: My fiance, six children.

14 THE COURT: Six children?

15 THE PANEL MEMBER: Yes, sir.

16 THE COURT: How old is the oldest?

17 THE PANEL MEMBER: Just turned thirteen.

18 THE COURT: And your fiance, is she employed?

19 THE PANEL MEMBER: No, sir. I'm currently the only
20 breadwinner.

21 THE COURT: All right, sir. And where are you
22 employed?

23 THE PANEL MEMBER: Wal-Mart.

24 THE COURT: What do you do there?

25 THE PANEL MEMBER: Inventory supervisor.

1 THE COURT: And your educational level?

2 THE PANEL MEMBER: Completed tenth grade and
3 followed up by GED.

4 THE COURT: Thank you, sir.

5 Mr. Noble?

6 PANEL MEMBER: Vernon Noble.

7 THE COURT: From?

8 THE PANEL MEMBER: Pampa.

9 THE COURT: How long?

10 THE PANEL MEMBER: Thirty-one years.

11 THE COURT: And who lives at home with you, sir?

12 THE PANEL MEMBER: My wife and two daughters.

13 THE COURT: And how old are the girls?

14 THE PANEL MEMBER: Fifteen and twenty.

15 THE COURT: And is the 20-year-old employed?

16 THE PANEL MEMBER: Yes, Advanced Health Care
17 Systems, and also a student at WT.

18 THE COURT: And your wife, is she employed outside
19 the home?

20 THE PANEL MEMBER: Texas Department of Criminal
21 Justice, Pardons and Parole Division.

22 THE COURT: What does she do there?

23 THE PANEL MEMBER: She's a laundry manager.

24 THE COURT: Say again, please?

25 THE PANEL MEMBER: Laundry manager.

1 THE COURT: All right. And are you employed?

2 THE PANEL MEMBER: Yes.

3 THE COURT: Where?

4 THE PANEL MEMBER: Cal Farley's Boys Ranch.

5 Cal Farley's Boys Ranch.

6 THE COURT: And what do you do there?

7 THE PANEL MEMBER: Information technologies.

8 THE COURT: And your educational level?

9 THE PANEL MEMBER: Associates.

10 THE COURT: Thank you, sir.

11 We're going to go back over to Mr. Tuls. Mr. Tuls,

12 your name, please?

13 PANEL MEMBER: Sid Tuls.

14 THE COURT: From?

15 THE PANEL MEMBER: Hereford, Texas.

16 THE COURT: How long?

17 THE PANEL MEMBER: Three years.

18 THE COURT: And who lives at home with you, sir?

19 THE PANEL MEMBER: My wife.

20 THE COURT: Is she employed?

21 THE PANEL MEMBER: No.

22 THE COURT: Are you employed?

23 THE PANEL MEMBER: Yes.

24 THE COURT: What do you do, sir?

25 THE PANEL MEMBER: I'm in the cattle business.

1 THE COURT: And it's finally taking an uptick, isn't
2 it? The cattle business?

3 THE PANEL MEMBER: Yeah.

4 THE COURT: You had a real bad drought around here
5 too?

6 THE PANEL MEMBER: No, that didn't affect us.

7 THE COURT: Oh, good. And your educational level?

8 THE PANEL MEMBER: High school.

9 THE COURT: Thank you, sir.
10 Mr. Simpson?

11 PANEL MEMBER: Yes, sir.

12 THE COURT: Your name, please?

13 THE PANEL MEMBER: Thomas Simpson.

14 THE COURT: From?

15 THE PANEL MEMBER: Amarillo, Texas.

16 THE COURT: How long?

17 THE PANEL MEMBER: Forty-nine years.

18 THE COURT: And who lives at home with you, sir?

19 THE PANEL MEMBER: My wife.

20 THE COURT: Is she employed?

21 THE PANEL MEMBER: No, sir.

22 THE COURT: Are you employed?

23 THE PANEL MEMBER: Yes, sir.

24 THE COURT: Where?

25 THE PANEL MEMBER: I work for R.E. Waldrip & Company

1 out of Pampa, Texas.

2 THE COURT: And what do you do there?

3 THE PANEL MEMBER: I sell electrical supplies.

4 THE COURT: And your educational level, sir?

5 THE PANEL MEMBER: High school.

6 THE COURT: Thank you, sir.

7 Mr. Florer?

8 PANEL MEMBER: Yes, Martin Dean Florer.

9 THE COURT: From?

10 THE PANEL MEMBER: Borger, Texas.

11 THE COURT: How long in Borger?

12 THE PANEL MEMBER: Fifty-five years.

13 THE COURT: And who lives at home with you, sir?

14 THE PANEL MEMBER: My wife.

15 THE COURT: Is she employed?

16 THE PANEL MEMBER: No.

17 THE COURT: Are you employed?

18 THE PANEL MEMBER: Yes, sir. I work for Austin

19 Industrial over at the Borger Refinery.

20 THE COURT: And you do what there?

21 THE PANEL MEMBER: I'm a civil general foreman.

22 THE COURT: And your educational level?

23 THE PANEL MEMBER: Associate in applied science.

24 THE COURT: Thank you, sir.

25 Mr. Brewer?

1 PANEL MEMBER: Scott Brewer.

2 THE COURT: From?

3 THE PANEL MEMBER: Amarillo, Texas.

4 THE COURT: How long?

5 THE PANEL MEMBER: Thirty years.

6 THE COURT: And who lives at home with you, sir?

7 THE PANEL MEMBER: My wife and two sons.

8 THE COURT: How old are the boys?

9 THE PANEL MEMBER: Fifteen and two.

10 THE COURT: And-- Nice spread there.

11 THE PANEL MEMBER: Yeah.

12 THE COURT: Is your wife employed outside the home?

13 THE PANEL MEMBER: Yes. She works for Bank of

14 America.

15 THE COURT: What does she do for Bank of America?

16 THE PANEL MEMBER: Admin.

17 THE COURT: And you, sir, are you employed?

18 THE PANEL MEMBER: Yes, sir. I'm a Farmer's

19 insurance agent, and I'm also--own Impact Repair Service.

20 THE COURT: I'm sorry, that--

21 THE PANEL MEMBER: I own another business also,

22 Impact Repair Service.

23 THE COURT: And your educational level?

24 THE PANEL MEMBER: High school, some college.

25 THE COURT: Thank you, sir.

1 Ms. Weisgerber, your name, please?

2 PANEL MEMBER: Sharon Weisgerber.

3 THE COURT: From?

4 THE PANEL MEMBER: Amarillo.

5 THE COURT: How long?

6 THE PANEL MEMBER: I've been back twelve years.

7 THE COURT: And who lives at home with you?

8 THE PANEL MEMBER: Just a dog and two cats.

9 THE COURT: Okay. I won't ask their age. Are you

10 employed?

11 THE PANEL MEMBER: Yes.

12 THE COURT: Where?

13 THE PANEL MEMBER: Western National Life.

14 THE COURT: And what do you do there?

15 THE PANEL MEMBER: I'm a clerk.

16 THE COURT: All right. And your educational level?

17 THE PANEL MEMBER: High school and some business

18 college.

19 THE COURT: Thank you, ma'am.

20 Ms. Lorenz?

21 PANEL MEMBER: I'm Kelly Lorenz.

22 THE COURT: From?

23 THE PANEL MEMBER: Fritch.

24 THE COURT: How long?

25 THE PANEL MEMBER: Fifty-five years.

1 THE COURT: And who lives at home with you?

2 THE PANEL MEMBER: My husband, a son-in-law, and a
3 grandson.

4 THE COURT: Are any of them employed?

5 THE PANEL MEMBER: Yes.

6 THE COURT: As?

7 THE PANEL MEMBER: My husband works for Four Winds
8 out of Pampa; he's a welder. My son-in-law, he works for R&M
9 Energy Systems out of Borger, and I don't know what they do,
10 but anyway . . .

11 THE COURT: And are you employed?

12 THE PANEL MEMBER: I am a hairdresser.

13 THE COURT: Okay. And your educational level?

14 THE PANEL MEMBER: High school and some trade
15 school.

16 THE COURT: Thank you, ma'am.

17 Ms. Morales, your name, please?

18 PANEL MEMBER: Carina Morales.

19 Carina Morales.

20 THE COURT: From?

21 THE PANEL MEMBER: Dumas.

22 THE COURT: How long?

23 THE PANEL MEMBER: Fourteen years.

24 THE COURT: And who lives at home with you?

25 THE PANEL MEMBER: My husband and three kids.

1 THE COURT: How old are the children?

2 THE PANEL MEMBER: Eleven, nine, and seven.

3 THE COURT: And who is taking care of the 9- and the
4 7-year-old while you're up here doing your civic duty?

5 THE PANEL MEMBER: Right now, my sister.

6 THE COURT: Is that going to work out okay for you?

7 THE PANEL MEMBER: Is that what?

8 THE COURT: Is that going to work out? Is your
9 sister going to be able to take care of them?

10 THE PANEL MEMBER: No, because she's a night nurse.

11 THE COURT: Do you ordinarily take care of them?

12 THE PANEL MEMBER: Me and my husband do.

13 THE COURT: Again, will that-- Well, I'll ask you
14 later. Your husband is employed?

15 THE PANEL MEMBER: Yes.

16 THE COURT: Where?

17 THE PANEL MEMBER: Vivint Security.

18 THE COURT: And what does he do there?

19 THE PANEL MEMBER: He's a technician.

20 THE COURT: And are you employed?

21 THE PANEL MEMBER: Yes, sir. Memorial--

22 THE COURT: Where?

23 THE PANEL MEMBER: --Nursing Home.

24 THE COURT: Where are you a nurse?

25 THE PANEL MEMBER: At Memorial Nursing Home in

1 Dumas.

2 THE COURT: And do you work during the day, or night
3 shift, or what?

4 THE PANEL MEMBER: I do both shifts.

5 THE COURT: Okay. All right. Your educational
6 level?

7 THE PANEL MEMBER: An associate in nursing.

8 THE COURT: Thank you, ma'am.

9 Ms. Zimmerman?

10 PANEL MEMBER: Oma Zimmerman.

11 THE COURT: From?

12 THE PANEL MEMBER: Amarillo.

13 THE COURT: How long in Amarillo?

14 THE PANEL MEMBER: Twenty-four years.

15 THE COURT: And who lives at home with you?

16 THE PANEL MEMBER: My husband and two sons.

17 THE COURT: And how old are the boys?

18 THE PANEL MEMBER: Fifteen and thirteen.

19 THE COURT: And your husband, is he employed?

20 THE PANEL MEMBER: Yes.

21 THE COURT: Where?

22 THE PANEL MEMBER: Schrader Roofing.

23 THE COURT: What does he do at Schrader Roofing?

24 THE PANEL MEMBER: He owns the business. He's an
25 engineer.

1 THE COURT: And are you employed outside the home?

2 THE PANEL MEMBER: No, sir. I'm a homemaker.

3 THE COURT: And your educational level?

4 THE PANEL MEMBER: High school.

5 THE COURT: Thank you, ma'am.

6 Ms. Brownlow, your name, please?

7 PANEL MEMBER: Janice Brownlow.

8 THE COURT: From?

9 THE PANEL MEMBER: Hereford.

10 THE COURT: How long?

11 THE PANEL MEMBER: I was born there.

12 THE COURT: And who lives at home with you?

13 THE PANEL MEMBER: My husband.

14 THE COURT: Is he employed?

15 THE PANEL MEMBER: Yes.

16 THE COURT: Where?

17 THE PANEL MEMBER: He's self-employed.

18 THE COURT: As?

19 THE PANEL MEMBER: Johnny Brownlow Construction.

20 He's a contractor.

21 THE COURT: Okay. And are you employed outside the

22 home?

23 THE PANEL MEMBER: Yes. I'm a hairdresser.

24 THE COURT: And your educational level?

25 THE PANEL MEMBER: High school and cosmetology

1 school.

2 THE COURT: Thank you, ma'am.

3 Mr. Huddleston?

4 PANEL MEMBER: Tim Huddleston.

5 THE COURT: Your name, please?

6 THE PANEL MEMBER: Tim Huddleston.

7 THE COURT: From?

8 THE PANEL MEMBER: Canyon.

9 THE COURT: How long?

10 THE PANEL MEMBER: Eight years.

11 THE COURT: And who lives at home with you, sir?

12 THE PANEL MEMBER: My wife and two children.

13 THE COURT: How old are the children?

14 THE PANEL MEMBER: Seven years and four years.

15 THE COURT: And is your wife employed outside the
16 home?

17 THE PANEL MEMBER: Yes, sir.

18 THE COURT: As?

19 THE PANEL MEMBER: She's a teacher in Tulia.

20 THE COURT: And are you employed?

21 THE PANEL MEMBER: Yes, sir.

22 THE COURT: Where?

23 THE PANEL MEMBER: I work at BSA Hospital and at a
24 nursing home in Canyon.

25 THE COURT: And your educational level?

1 THE PANEL MEMBER: Bachelor's degree in nursing.

2 THE COURT: Thank you, sir.

3 Ms. Arnold--

4 PANEL MEMBER: Sue Arnold.

5 THE COURT: --your name, please?

6 Your name, please?

7 THE PANEL MEMBER: Sue Arnold.

8 THE COURT: From?

9 THE PANEL MEMBER: Amarillo, Texas.

10 THE COURT: I'm sorry?

11 THE PANEL MEMBER: Amarillo, Texas.

12 THE COURT: How long in Amarillo?

13 THE PANEL MEMBER: Forty years.

14 THE COURT: And who lives at home with you?

15 THE PANEL MEMBER: My husband, retired.

16 THE COURT: Retired from?

17 THE PANEL MEMBER: B&W Pantex, engineer.

18 THE COURT: And are you employed outside the home?

19 THE PANEL MEMBER: B&W Pantex, clerical.

20 THE COURT: And your educational level?

21 THE PANEL MEMBER: High school.

22 THE COURT: Thank you, ma'am.

23 Mr. Fuller?

24 PANEL MEMBER: David Fuller.

25 THE COURT: From?

1 THE PANEL MEMBER: McLean.

2 THE COURT: How long?

3 THE PANEL MEMBER: Twenty-six years.

4 THE COURT: And who lives at home with you?

5 THE PANEL MEMBER: My wife and two sons.

6 THE COURT: How old are the boys?

7 THE PANEL MEMBER: Six and three.

8 THE COURT: And are you employed?

9 THE PANEL MEMBER: Yes, sir.

10 THE COURT: Where?

11 THE PANEL MEMBER: Linn Energy.

12 THE COURT: What do you do there?

13 THE PANEL MEMBER: Production foreman.

14 THE COURT: And is your wife employed outside the

15 home?

16 THE PANEL MEMBER: No, sir.

17 THE COURT: And your educational level?

18 THE PANEL MEMBER: Bachelor's in animal science.

19 THE COURT: Thank you, sir.

20 Mr. Garrett, your name, please, sir?

21 PANEL MEMBER: William Garrett.

22 THE COURT: From?

23 THE PANEL MEMBER: Dumas, Texas.

24 THE COURT: How long?

25 THE PANEL MEMBER: Five years.

1 THE COURT: And who lives at home with you?

2 THE PANEL MEMBER: My wife and her grandmother.

3 THE COURT: And is your wife employed outside the
4 home?

5 THE PANEL MEMBER: Yes.

6 THE COURT: Where?

7 THE PANEL MEMBER: She's at Blue Cross Blue Shield
8 here in Amarillo.

9 THE COURT: I'm sorry, sir?

10 THE PANEL MEMBER: Blue Cross Blue Shield here in
11 Amarillo.

12 THE COURT: What does she do with Blue Cross Blue
13 Shield?

14 THE PANEL MEMBER: She's a claims clerk.

15 THE COURT: And are you employed?

16 THE PANEL MEMBER: Yes.

17 THE COURT: Where?

18 THE PANEL MEMBER: Self-employed, over-the-road
19 truck driver.

20 THE COURT: And your educational level?

21 THE PANEL MEMBER: High school.

22 THE COURT: Thank you, sir.

23 Ms. Hooten, your name, please?

24 PANEL MEMBER: No, I'm Kathy Norris.

25 THE COURT: I'm sorry, Ms. Norris. I checked off

1 too soon. I apologize.

2 THE PANEL MEMBER: Norris is my--

3 THE COURT: From?

4 THE PANEL MEMBER: --maiden name.

5 I'm from here in Amarillo.

6 THE COURT: How long?

7 THE PANEL MEMBER: Well, I've been in different
8 places, but I've lived here for thirteen years right now,
9 almost fourteen.

10 THE COURT: And who lives at home with you?

11 THE PANEL MEMBER: My husband.

12 THE COURT: And is he employed?

13 THE PANEL MEMBER: Yes.

14 THE COURT: Where?

15 THE PANEL MEMBER: He works at Pride Home Center.
16 He owns a little company called All About Floors, and he also
17 works for Nest International, which is maintenance on stores
18 here in Amarillo.

19 THE COURT: All right. And you? Are you employed
20 outside the home?

21 THE PANEL MEMBER: No. I'm retired.

22 THE COURT: Retired from?

23 THE PANEL MEMBER: Housekeeping and cleaning
24 businesses.

25 THE COURT: And your educational level?

1 THE PANEL MEMBER: High school and two years of
2 college.

3 THE COURT: Thank you, ma'am.

4 THE PANEL MEMBER: Uh-huh.

5 THE COURT: Now, Ms. Hooten, your name, please?

6 PANEL MEMBER: Sherry Hooten.

7 THE COURT: From?

8 THE PANEL MEMBER: Amarillo.

9 THE COURT: How long?

10 THE PANEL MEMBER: Twenty-seven years.

11 THE COURT: I beg your pardon?

12 THE PANEL MEMBER: Twenty-seven years.

13 THE COURT: And who lives at home with you?

14 THE PANEL MEMBER: My husband and oldest daughter.

15 THE COURT: And how old is your daughter?

16 THE PANEL MEMBER: She is thirty.

17 THE COURT: Is she employed?

18 THE PANEL MEMBER: She is a nursing student and also
19 employed at Northwest Texas Hospital.

20 THE COURT: And are you employed outside the home?

21 THE PANEL MEMBER: Yes, Amarillo schools.

22 THE COURT: What do you do there?

23 THE PANEL MEMBER: I work in the maintenance
24 planning department as a scheduler.

25 THE COURT: Okay. And your husband? Is he

1 employed?

2 THE PANEL MEMBER: He is self-employed.

3 THE COURT: As?

4 THE PANEL MEMBER: He owns Amarillo Sandblast and
5 Powdercoat.

6 THE COURT: And your educational level?

7 THE PANEL MEMBER: High school and some college.

8 THE COURT: Thank you, ma'am.

9 THE PANEL MEMBER: You're welcome.

10 THE COURT: Mr. Smith, your name, please, sir?

11 PANEL MEMBER: Matthew Smith.

12 THE COURT: From?

13 THE PANEL MEMBER: Stinnett, Texas.

14 THE COURT: How long?

15 THE PANEL MEMBER: Six months.

16 THE COURT: And who lives at home with you?

17 THE PANEL MEMBER: My wife and three kids.

18 THE COURT: How old are the children?

19 THE PANEL MEMBER: Nine, eight, and a year and a
20 half.

21 THE COURT: And is your wife employed outside the
22 home?

23 THE PANEL MEMBER: No, sir.

24 THE COURT: Are you employed?

25 THE PANEL MEMBER: Yes.

1 THE COURT: As?

2 THE PANEL MEMBER: I work for B&G Electric as a
3 journeyman electrician and lineman.

4 THE COURT: And your educational level?

5 THE PANEL MEMBER: High school and trade school.

6 THE COURT: Thank you, sir.

7 Mr. Laurie?

8 PANEL MEMBER: Lance Laurie.

9 THE COURT: From?

10 THE PANEL MEMBER: Booker, Texas.

11 THE COURT: How long?

12 THE PANEL MEMBER: Fifty years.

13 THE COURT: And who lives at home with you?

14 THE PANEL MEMBER: My wife and 17-year-old daughter.

15 THE COURT: And is your daughter still in school?

16 THE PANEL MEMBER: Yes.

17 THE COURT: And is your wife employed outside the
18 home?

19 THE PANEL MEMBER: Yes. She teaches kindergarten at
20 the school.

21 THE COURT: And you, sir? Are you employed?

22 THE PANEL MEMBER: Yes, I work for BP.

23 THE COURT: For BP?

24 THE PANEL MEMBER: Yes.

25 THE COURT: As?

1 THE PANEL MEMBER: An operation tech.

2 THE COURT: All right. And your educational level?

3 THE PANEL MEMBER: College graduate.

4 THE COURT: From-- All right. Got it. Thank you.

5 Mr. Sharber?

6 PANEL MEMBER: Rex Sharber.

7 THE COURT: From?

8 THE PANEL MEMBER: Fritch right now.

9 THE COURT: How long?

10 THE PANEL MEMBER: Eleven years.

11 THE COURT: And who lives at home with you, sir?

12 THE PANEL MEMBER: Wife and stepson.

13 THE COURT: And how old is your stepson?

14 THE PANEL MEMBER: Nineteen.

15 THE COURT: Is he employed?

16 THE PANEL MEMBER: Yes.

17 THE COURT: Where?

18 THE PANEL MEMBER: Delivering pizza.

19 THE COURT: And is your wife employed outside the

20 home?

21 THE PANEL MEMBER: American General Life.

22 THE COURT: And what does she do there?

23 THE PANEL MEMBER: She's a legal secretary.

24 THE COURT: Okay. And are you employed?

25 THE PANEL MEMBER: Currently employed at Phillips.

1 THE COURT: At?

2 THE PANEL MEMBER: Phillips.

3 THE COURT: And what do you do there?

4 THE PANEL MEMBER: I'm an operator.

5 THE COURT: Okay. And your educational level?

6 THE PANEL MEMBER: Bachelor of science in social
7 science.

8 THE COURT: Thank you, sir.

9 Mr. Combs?

10 PANEL MEMBER: My name is Richard Combs.

11 THE COURT: From?

12 THE PANEL MEMBER: Amarillo, Texas.

13 THE COURT: How long?

14 THE PANEL MEMBER: Forty-one years.

15 THE COURT: And who lives at home with you, sir?

16 THE PANEL MEMBER: My 12-year-old son.

17 THE COURT: And are you employed?

18 THE PANEL MEMBER: Yes, sir.

19 THE COURT: Where?

20 THE PANEL MEMBER: At AT&T, American Telegraph &
21 Telephone.

22 THE COURT: And what do you do there?

23 THE PANEL MEMBER: I'm a customer service
24 specialist.

25 THE COURT: And your educational level?

1 THE PANEL MEMBER: High school.

2 THE COURT: Thank you very much, sir.

3 Mr. Ventura?

4 PANEL MEMBER: Robert Ventura.

5 THE COURT: From?

6 THE PANEL MEMBER: Perryton, Texas.

7 THE COURT: How long?

8 THE PANEL MEMBER: Four years.

9 THE COURT: And who lives at home with you, sir?

10 THE PANEL MEMBER: My wife and my 15-year-old son.

11 THE COURT: And is your wife employed?

12 THE PANEL MEMBER: Yes, sir. She's a high school
13 math teacher for Perryton ISD.

14 THE COURT: And you, sir? Are you employed?

15 THE PANEL MEMBER: Yes, sir. I'm a teacher/coach
16 for Perryton ISD.

17 THE COURT: Coaching?

18 THE PANEL MEMBER: Football, head girls track and
19 girls coordinator.

20 THE COURT: Okay. And your educational level, sir?

21 THE PANEL MEMBER: Bachelor of science.

22 THE COURT: Thank you, sir.

23 THE PANEL MEMBER: You're welcome.

24 THE COURT: Ms. Swapp?

25 PANEL MEMBER: April Swapp.

1 THE COURT: From?

2 THE PANEL MEMBER: Amarillo.

3 THE COURT: How long?

4 THE PANEL MEMBER: Nine years.

5 THE COURT: Who lives at home with you?

6 THE PANEL MEMBER: My little sister.

7 THE COURT: And is she employed?

8 THE PANEL MEMBER: Yes. She works at BSA and

9 United.

10 THE COURT: And are you employed?

11 THE PANEL MEMBER: Yes. I work at Wal-Mart and

12 United.

13 THE COURT: And what do you do there?

14 THE PANEL MEMBER: I'm an invoice clerk at Wal-Mart

15 and a fry cook at United.

16 THE COURT: And your educational level?

17 THE PANEL MEMBER: Some college.

18 THE COURT: Thank you, ma'am.

19 Ms. Benton, your name, please?

20 PANEL MEMBER: Elizabeth Benton.

21 THE COURT: From?

22 THE PANEL MEMBER: Amarillo, Texas.

23 THE COURT: How long?

24 THE PANEL MEMBER: Fifty-seven years.

25 THE COURT: And who lives at home with you?

1 THE PANEL MEMBER: My husband.

2 THE COURT: Is he employed?

3 THE PANEL MEMBER: Yes, sir. He's a senior account
4 manager for NCR Corporation.

5 THE COURT: And you? Are you employed outside the
6 home?

7 THE PANEL MEMBER: Yes, sir. I'm self-employed.
8 I'm a decorator.

9 THE COURT: And your educational level?

10 THE PANEL MEMBER: I have high school and
11 cosmetology school, and then ended up a decorator.

12 THE PANEL MEMBER: Thank you, ma'am.

13 Mr. Sorrels?

14 PANEL MEMBER: Mark Sorrels.

15 THE COURT: From?

16 THE PANEL MEMBER: From Amarillo.

17 THE COURT: How long?

18 THE PANEL MEMBER: Forty-five years.

19 THE COURT: And who lives at home with you, sir?

20 THE PANEL MEMBER: My wife LeeAnn and my daughter,
21 twelve years old.

22 THE COURT: And is your wife employed outside the
23 home?

24 THE PANEL MEMBER: Yes. She's a self-employed
25 counselor.

1 THE COURT: Where?

2 THE PANEL MEMBER: She has a business called--

3 THE COURT: Oh, okay. I understand now. Sorry.

4 And are you employed?

5 THE PANEL MEMBER: Yes. I'm a general manager for

6 Guy's Plumbing, Heating and Air.

7 THE COURT: And your educational level?

8 THE PANEL MEMBER: Master's in business.

9 THE COURT: Thank you, sir.

10 Mr. Grieve, your name, please?

11 PANEL MEMBER: Matthew Grieve.

12 THE COURT: From?

13 THE PANEL MEMBER: Amarillo, Texas.

14 THE COURT: How long?

15 THE PANEL MEMBER: Ten years.

16 THE COURT: And who lives at home with you, sir?

17 THE PANEL MEMBER: My 2-year-old daughter and

18 girlfriend.

19 THE COURT: Okay. And who is taking care of the

20 3-year-old daughter?

21 THE PANEL MEMBER: Her mother.

22 THE COURT: And that's--you don't ordinarily take

23 care of her?

24 THE PANEL MEMBER: No, not--

25 THE COURT: No, I understand that. Your daughter--

1 THE PANEL MEMBER: What did you say?

2 THE COURT: Your daughter, the 3-year-old, is that
3 her daughter or yours?

4 THE PANEL MEMBER: It's my daughter.

5 THE COURT: And who ordinarily takes care of the
6 3-year-old?

7 THE PANEL MEMBER: Who's taking care of her?

8 THE COURT: Yeah.

9 THE PANEL MEMBER: Her mother.

10 THE COURT: Okay. Is your girlfriend employed?

11 THE PANEL MEMBER: Yes, sir.

12 THE COURT: Where?

13 THE PANEL MEMBER: AIG Insurance.

14 THE COURT: And are you employed?

15 THE PANEL MEMBER: Yes, sir.

16 THE COURT: Where?

17 THE PANEL MEMBER: J.D. Tires & Wheels.

18 THE COURT: What do you do there?

19 THE PANEL MEMBER: General manager.

20 THE COURT: And your educational level?

21 THE PANEL MEMBER: Bachelor's in accounting.

22 THE COURT: Thank you, sir.

23 Ms. Powell, your name, please?

24 PANEL MEMBER: Rebecca Powell.

25 THE COURT: From?

1 THE PANEL MEMBER: Amarillo.

2 THE COURT: How long here?

3 THE PANEL MEMBER: Sixty-three years.

4 THE COURT: And who lives at home with you?

5 THE PANEL MEMBER: Nobody.

6 THE COURT: And are you employed?

7 THE PANEL MEMBER: No. I'm retired.

8 THE COURT: Retired from?

9 THE PANEL MEMBER: Wal-Mart.

10 THE COURT: And what did you do for Wal-Mart?

11 THE PANEL MEMBER: I was an overnight stocker.

12 THE COURT: And your educational level?

13 THE PANEL MEMBER: High school.

14 THE COURT: Thank you, ma'am.

15 Ms. Moore, your name, please?

16 PANEL MEMBER: Elizabeth Moore.

17 THE COURT: From?

18 THE PANEL MEMBER: Canyon, Texas.

19 THE COURT: How long in Canyon?

20 THE PANEL MEMBER: Twelve years.

21 THE COURT: And who lives at home with you?

22 THE PANEL MEMBER: My husband and our two children.

23 THE COURT: How old are the children?

24 THE PANEL MEMBER: Eight and five.

25 THE COURT: And is your husband employed?

1 THE PANEL MEMBER: Yes, sir.

2 THE COURT: Where?

3 THE PANEL MEMBER: At West Texas A&M University.

4 THE COURT: What does he do there?

5 THE PANEL MEMBER: He's the interim director of
6 admissions.

7 THE COURT: And are you employed?

8 THE PANEL MEMBER: Yes, sir.

9 THE COURT: Where?

10 THE PANEL MEMBER: West Texas A&M University.

11 THE COURT: And what do you do there?

12 THE PANEL MEMBER: I'm a part-time instructor.

13 THE COURT: And the 8- and the 5-year-old, do you
14 ordinarily take care of them, or are they in day care or what?

15 THE PANEL MEMBER: During the summers, since I'm
16 part-time, I take care of them at home.

17 THE COURT: Okay. Do-- Okay. I'll ask you later.
18 And your educational level?

19 THE PANEL MEMBER: I have a master's.

20 THE COURT: Thank you, ma'am.

21 Mr. Jupe--am I pronouncing it correctly?

22 PANEL MEMBER: Jason Jupe.

23 THE COURT: From?

24 THE PANEL MEMBER: Canyon.

25 THE COURT: How long?

1 THE PANEL MEMBER: Twenty-nine years.

2 THE COURT: And who lives at home with you?

3 THE PANEL MEMBER: My brother.

4 THE COURT: Is he employed?

5 THE PANEL MEMBER: Yes. He's a manager at A to Z
6 Tire.

7 THE COURT: And are you employed?

8 THE PANEL MEMBER: Yes. I work for Texas Department
9 of Transportation.

10 THE COURT: What do you do for the Texas--

11 THE PANEL MEMBER: I'm a mechanic.

12 THE COURT: Beg your pardon?

13 THE PANEL MEMBER: Mechanic.

14 THE COURT: And your educational level?

15 THE PANEL MEMBER: Some college.

16 THE COURT: Thank you, sir.

17 Mr. Blodgett, your name, please?

18 PANEL MEMBER: Kevin Blodgett.

19 THE COURT: From?

20 THE PANEL MEMBER: White Deer.

21 THE COURT: How long?

22 THE PANEL MEMBER: Forty-six years.

23 THE COURT: And who lives at home with you, sir?

24 THE PANEL MEMBER: Wife and two children, seventeen
25 and eight.

1 THE COURT: The 17-year-old still in school?

2 THE PANEL MEMBER: Yes, sir.

3 THE COURT: Is your wife employed outside the home?

4 THE PANEL MEMBER: No, sir.

5 THE COURT: Are you employed?

6 THE PANEL MEMBER: Yes, sir.

7 THE COURT: Where?

8 THE PANEL MEMBER: Team Industrial Services.

9 THE COURT: What do you do there?

10 THE PANEL MEMBER: Technician.

11 THE COURT: And your educational level?

12 THE PANEL MEMBER: Some college.

13 THE COURT: Thank you, sir.

14 Ms. Jenkins, your name, please?

15 PANEL MEMBER: Evelyn Jenkins.

16 THE COURT: From?

17 THE PANEL MEMBER: Canyon.

18 THE COURT: How long?

19 THE PANEL MEMBER: Forty years.

20 THE COURT: And who lives at home with you?

21 THE PANEL MEMBER: My husband.

22 THE COURT: And are you employed?

23 THE PANEL MEMBER: Yes, I am.

24 THE COURT: Where?

25 THE PANEL MEMBER: At Region 16 Education Service

1 Center.

2 THE COURT: And what do you do there?

3 THE PANEL MEMBER: I'm manager of line mass
4 information management systems.

5 THE COURT: And your husband? Is he employed?

6 THE PANEL MEMBER: He's self-employed, software
7 consultant.

8 THE COURT: Say--

9 THE PANEL MEMBER: Software consultant.

10 THE COURT: Okay. And your educational level?

11 THE PANEL MEMBER: MBA.

12 THE COURT: Thank you, ma'am.

13 Mr. Reed, your name?

14 PANEL MEMBER: Yes, sir. My name is Roy Reed.

15 THE COURT: From?

16 THE PANEL MEMBER: Pampa, Texas.

17 THE COURT: How long in Pampa?

18 THE PANEL MEMBER: Most of the last fifty years.

19 THE COURT: And who lives at home with you, sir?

20 THE PANEL MEMBER: My wife Kathy and my dog Coco.

21 THE COURT: All right. And your wife, is she
22 employed outside the home?

23 THE PANEL MEMBER: No, sir.

24 THE COURT: Are you employed?

25 THE PANEL MEMBER: I am self-employed.

1 THE COURT: As?

2 THE PANEL MEMBER: I have a small septic pumping
3 service over there for the last nine years.

4 THE COURT: All right. And your educational level?

5 THE PANEL MEMBER: A little bit of college.

6 THE COURT: Thank you, sir.

7 THE PANEL MEMBER: Thank you.

8 THE COURT: Mr. Yara--Yara?

9 PANEL MEMBER: Dancy. Steve Dancy.

10 THE COURT: Whoa, whoa. I got ahead of myself
11 again. Sorry.

12 Mr. Dancy, your name, please?

13 THE PANEL MEMBER: Steve Dancy.

14 THE COURT: From?

15 THE PANEL MEMBER: Pampa, Texas.

16 THE COURT: How long?

17 THE PANEL MEMBER: Seventeen years.

18 THE COURT: And who lives at home with you?

19 THE PANEL MEMBER: My mom.

20 THE COURT: And is she employed?

21 THE PANEL MEMBER: No, sir.

22 THE COURT: Are you employed?

23 THE PANEL MEMBER: Yes, sir.

24 THE COURT: Where?

25 THE PANEL MEMBER: I work for an individual. I'm a

1 house painter.

2 THE COURT: And your educational level?

3 THE PANEL MEMBER: High school and some trade
4 school.

5 THE COURT: All right. Thank you, sir.

6 Now, Ms. Yara?

7 PANEL MEMBER: Joni Yara.

8 THE COURT: From?

9 THE PANEL MEMBER: Booker.

10 THE COURT: How long?

11 THE PANEL MEMBER: Seven years.

12 THE COURT: And who lives at home with you?

13 THE PANEL MEMBER: My husband and two sons.

14 THE COURT: And how old are the boys?

15 THE PANEL MEMBER: One and six.

16 THE COURT: And who ordinarily takes care of them?

17 THE PANEL MEMBER: My mother-in-law.

18 THE COURT: And that's--so that's covered; is that
19 right?

20 THE PANEL MEMBER: Yes, yes.

21 THE COURT: And is your husband employed?

22 THE PANEL MEMBER: Yes.

23 THE COURT: Where?

24 THE PANEL MEMBER: W-B Supply in Perryton.

25 THE COURT: What does he do there?

1 THE PANEL MEMBER: He's a truck driver.

2 THE COURT: And are you employed?

3 THE PANEL MEMBER: Yes.

4 THE COURT: Where?

5 THE PANEL MEMBER: Booker News.

6 THE COURT: And what do you do there?

7 THE PANEL MEMBER: I'm the editor.

8 THE COURT: And your educational level?

9 THE PANEL MEMBER: High school and some college.

10 THE COURT: Thank you, ma'am.

11 Mr. Vasquez, your name, please?

12 PANEL MEMBER: Jeremy Vasquez.

13 THE COURT: From?

14 THE PANEL MEMBER: Amarillo.

15 THE COURT: How long?

16 THE PANEL MEMBER: Eight years.

17 THE COURT: And who lives at home with you?

18 THE PANEL MEMBER: My wife and two kids.

19 THE COURT: How old are the children?

20 THE PANEL MEMBER: Five and seven.

21 THE COURT: And your wife? Is she employed outside

22 the home?

23 THE PANEL MEMBER: No.

24 THE COURT: And you, sir? Are you employed?

25 THE PANEL MEMBER: Yes.

1 THE COURT: Where?

2 THE PANEL MEMBER: Bell Helicopter, production
3 specialist.

4 THE COURT: And your educational level?

5 THE PANEL MEMBER: High school.

6 THE COURT: Thank you, sir.

7 Ms. Smith, your name, please?

8 THE PANEL MEMBER: Mary Smith.

9 THE COURT: From?

10 THE PANEL MEMBER: Dumas, Texas.

11 THE COURT: How long?

12 THE PANEL MEMBER: Forty-three years.

13 THE COURT: And who lives at home with you?

14 THE PANEL MEMBER: Myself.

15 THE COURT: And are you employed?

16 THE PANEL MEMBER: Yes, sir.

17 THE COURT: Where?

18 THE PANEL MEMBER: Wal-Mart as a sales associate.

19 THE COURT: And your educational level?

20 THE PANEL MEMBER: High school.

21 THE COURT: Thank you, ma'am.

22 And, last, Ms. Jackson?

23 PANEL MEMBER: Shannon Jackson.

24 THE COURT: From?

25 THE PANEL MEMBER: Spearman.

1 THE COURT: How long?

2 THE PANEL MEMBER: Two years.

3 THE COURT: Who lives at home with you?

4 THE PANEL MEMBER: My husband and three kids.

5 THE COURT: How old are the children?

6 THE PANEL MEMBER: Twelve, fourteen, and sixteen.

7 THE COURT: And your husband, is he employed?

8 THE PANEL MEMBER: Yes.

9 THE COURT: Where?

10 THE PANEL MEMBER: He farms in Spearman.

11 THE COURT: And are you employed outside the home?

12 THE PANEL MEMBER: Well, I sub at the high school.

13 THE COURT: Okay. And your educational level?

14 THE PANEL MEMBER: BS in education, math and
15 computers.

16 THE COURT: Thank you, ma'am.

17 All right. It is a guiding principle of the
18 American system of justice that any person accused of a crime
19 is considered innocent until such time as he is proven guilty
20 beyond a reasonable doubt to the satisfaction of a jury of his
21 peers.

22 With that principle in mind, do each of you
23 understand that an indictment is simply the government's
24 accusation against the defendant; it is not evidence of his
25 guilt? If you don't understand that or you don't agree with

1 it, please raise your hand.

2 Do you understand you can't draw an inference that
3 the defendant is guilty of anything just because the government
4 has accused him? If you don't agree with that, raise your
5 hand.

6 Would any of you have any difficulty applying those
7 principles? If you would, raise your hand.

8 In other words, will each of you require the
9 government to prove to you the guilt of the defendant beyond a
10 reasonable doubt before you can render a verdict of guilty? If
11 you can't do that, raise your hand.

12 On the other hand, if the government does prove the
13 defendant guilty beyond a reasonable doubt, would you be able
14 to say "guilty"? If not, raise your hand.

15 Can you put aside any feelings of prejudice,
16 sympathy, or passion and decide this case solely on the
17 evidence that you see and hear in this courtroom and the law as
18 I give it at the close of the case without regard to the
19 consequences to either the prosecution or the defendant? If
20 you can't do that, raise your hand.

21 If you're selected to serve on this jury, can you
22 vote your own mind, even if you are in a small minority? If
23 you feel you can't, raise your hand.

24 Mr.-- Excuse me for just a second.

25 Mr. Haag, would you stand up and introduce everybody

1 at your table, please.

2 MR. HAAG: Yes, Your Honor. Thank you.

3 Good morning, ladies and gentlemen of the jury. My
4 name is Jeffrey Haag, and I represent the United States of
5 America in this case. I'm from the Lubbock office.

6 Representing the United States with me this morning
7 is Denise Williams. She's the deputy criminal chief for our
8 Lubbock office.

9 We also have Assistant United States Attorney James
10 Jacks, also Jim Jacks.

11 MR. JACKS: Good morning.

12 MR. HAAG: He's from our Dallas office.

13 Matt Kacsmayk, he's from our Fort Worth office.

14 David Cora, he is from our Washington, D.C. office.

15 MR. CORA: Good morning, ladies and gentlemen.

16 MR. HAAG: Additional persons that will be helping
17 me try the case today are going to be FBI Special Agents
18 Michael Orndorff from the Lubbock office, and Kevin Gentry and
19 Loretta Smitherman from the Dallas FBI office.

20 Additionally, not present here this morning but
21 present during trial will be Diana Christensen. She is a
22 litigation specialist, support technician, and she will be here
23 from our Dallas office.

24 THE COURT: Mr. Cogdell?

25 MR. COGDELL: Thank you, Your Honor.

1 Good morning. My name is Dan Cogdell. I'm a lawyer
2 from Houston, Texas. I live in The Woodlands. It's a little
3 town north of Houston.

4 Assisting me is Paul Doyle to my left.

5 MR. DOYLE: Good morning.

6 MR. COGDELL: He's also helping us try this case.
7 He is from Houston.

8 Next to him is the accused person in this case.
9 This is Khalid Aldawsari. Until recently, he was living in the
10 Lubbock area.

11 Thank you, Mr. Aldawsari.

12 Next to him is Jonathan Leach, who's going to be
13 helping us just this morning with the jury selection.

14 And last but not least is my intrepid associate,
15 Mr. Dennis Hester.

16 MR. HESTER: Good morning.

17 MR. COGDELL: This is his first experience in a
18 courtroom, so be kind to him. Thank you.

19 THE COURT: All right. Any of you know any of these
20 folk? Anybody? Okay.

21 To the best of your knowledge, has any member of--
22 you or any member of your immediate family been represented by
23 any of these lawyers?

24 Are any other members of the jury panel--are any of
25 you related to anybody else on the jury panel? Okay.

1 Have any of you ever participated in a criminal case
2 before? All right. Let's start on this first-- Well, let's
3 see. Go ahead. Hand it to somebody that held their hand up.
4 Your name, please?

5 PANEL MEMBER: Elizabeth Benton.

6 THE COURT: And how did you participate in a--

7 THE PANEL MEMBER: It was about two years ago. I
8 was on a trial in Randall County pertaining to a burglary.

9 THE COURT: Okay.

10 Somebody else had raised their hand. Your name,
11 please, sir?

12 PANEL MEMBER: Mark Sorrels.

13 THE COURT: And how did you participate in a
14 criminal case?

15 THE PANEL MEMBER: I was on a murder trial once, and
16 then a couple of years ago I was on a drug smuggling trial.

17 THE COURT: You were what?

18 THE PANEL MEMBER: On a drug smuggling trial.

19 THE COURT: Okay. How was the verdict in both of
20 those cases?

21 THE PANEL MEMBER: Guilty, both.

22 THE COURT: All right. Anybody else over here?
23 We'll get this side first. Anybody else on this side?

24 Okay. On this side. Your name, please?

25 PANEL MEMBER: Sue Arnold.

1 THE COURT: And tell me how you participated.

2 THE PANEL MEMBER: It's been about 25 years ago. It
3 was a DWI.

4 THE COURT: Oh, okay. Anybody else? Yes.

5 PANEL MEMBER: Kathy Norris. About five years ago,
6 I was a jury member on a trespassing case.

7 THE COURT: Guilty or not guilty?

8 THE PANEL MEMBER: Not guilty.

9 THE COURT: Okay.

10 THE PANEL MEMBER: But I found out later that--

11 THE COURT: Well, that's okay. All right. Okay.
12 Anybody else? Did we miss anybody?

13 PANEL MEMBER: I'm not sure if this is right or not,
14 but a bad check.

15 THE COURT: Beg your pardon?

16 THE PANEL MEMBER: It was a bad check. Is that
17 right?

18 THE COURT: Yes.

19 THE PANEL MEMBER: Okay. That's criminal. Correct?

20 THE COURT: Yes.

21 THE PANEL MEMBER: Okay.

22 THE COURT: And I'm sorry--

23 THE PANEL MEMBER: A bad check. That's the trial
24 that I was on.

25 THE COURT: Oh, okay. Guilty or not guilty?

1 THE PANEL MEMBER: It's been a long time.

2 THE COURT: That's okay. Who else did we miss?

3 PANEL MEMBER: Lance Laurie. I was on a DWI case.

4 THE COURT: Guilty or not guilty?

5 THE PANEL MEMBER: It was guilty.

6 THE COURT: All right. And somebody else right next
7 to you. Your name, please, sir?

8 PANEL MEMBER: Rex Sharber. I worked as a private
9 investigator for a capital murder case and an aggravated sexual
10 assault case.

11 THE COURT: Okay. Anybody else?

12 PANEL MEMBER: I'm Roy Reed. I've served on two
13 different criminal cases. They were both drug-related, and
14 they both resulted in guilty verdicts.

15 THE COURT: All right. Thank you.

16 Did we miss anybody? Got everybody? Oh, we missed
17 a couple people on this side. Sorry. Go ahead.

18 PANEL MEMBER: Gary Billstrom.

19 THE COURT: And what was that, sir?

20 THE PANEL MEMBER: It was a Potter County trial,
21 burglary of a school, and it actually ended in a mistrial, so--

22 THE COURT: Okay. Thank you.

23 Anybody else on that side? Anybody that we-- All
24 right. We have a couple over on this side. Your name, sir?

25 PANEL MEMBER: Tom Simpson. I was on a child abuse

1 trial.

2 THE COURT: Guilty or not guilty?

3 THE PANEL MEMBER: Guilty.

4 THE COURT: All right. Anybody else that we missed?

5 Anybody? Yes, right here.

6 PANEL MEMBER: Janice Brownlow. I was on a--it was
7 a drug-related--excuse me--a drug-related case.

8 THE COURT: Guilty or not guilty?

9 THE PANEL MEMBER: Guilty.

10 THE COURT: Thank you.

11 Is that everybody? Did we miss--

12 PANEL MEMBER: Excuse me. I forgot the other
13 criminal trial.

14 THE COURT: Okay. Your name again, please?

15 THE PANEL MEMBER: Gary Billstrom. It was a
16 shooting outside of town.

17 THE COURT: Guilty or not guilty?

18 THE PANEL MEMBER: And it was guilty.

19 THE COURT: Okay.

20 Okay. Have any of you ever served as a law
21 enforcement officer? Over here. Tell me about that, sir.

22 PANEL MEMBER: Vernon Noble. Texas Department of
23 Criminal Justice as a correctional officer.

24 THE COURT: Okay. Would that fact in any way keep
25 you from being a fair and impartial juror?

1 THE PANEL MEMBER: No, sir, it would not.

2 THE COURT: Anybody else? Yes, sir.

3 PANEL MEMBER: Rex Sharber. Retired from the Parole
4 Division of Texas.

5 THE COURT: I'm--

6 THE PANEL MEMBER: The Institutional Parole Division
7 of Texas.

8 THE COURT: Would that fact in any way inhibit you
9 from becoming a fair and impartial juror?

10 THE PANEL MEMBER: No, sir.

11 THE COURT: Did we miss anybody else? Thank you.

12 Is any member of your immediate family or close
13 personal friend a law enforcement officer? Okay. Let's start
14 over here on this side.

15 PANEL MEMBER: My name is Kelly Lorenz.

16 THE COURT: And tell me about that.

17 THE PANEL MEMBER: I have some friends that work for
18 the Hutchinson County Sheriff's Office in Stinnett.

19 THE COURT: And would that fact in any way inhibit
20 your ability to be a fair and impartial juror?

21 THE PANEL MEMBER: No, sir.

22 THE COURT: Okay. Thank you.

23 And, I think, Ms. Jackson?

24 PANEL MEMBER: I have a cousin who is a member of
25 the Amarillo Police Department.

1 THE COURT: Same question. Would that fact in any
2 way inhibit you from becoming a fair and impartial juror?

3 THE PANEL MEMBER: No.

4 THE COURT: Okay. Anybody else on that side? Now--
5 Excuse me. Your name, sir?

6 PANEL MEMBER: Kevin McDonald. I have a
7 brother-in-law in Yuma, Arizona, who works for the Border
8 Patrol.

9 THE COURT: Same question. Would that in any way
10 inhibit you from being a fair and impartial juror?

11 THE PANEL MEMBER: Not at all.

12 THE COURT: All right. Thank you.

13 PANEL MEMBER: Scottie Brewer. I have an uncle who
14 is a police officer in Hereford, Texas.

15 THE COURT: Same question.

16 THE PANEL MEMBER: No.

17 THE COURT: Anybody else on that side?

18 How about on this side? Let's start.

19 PANEL MEMBER: Machille Henson, and my son-in-law is
20 a deputy in Wheeler, Texas.

21 THE COURT: Would that in any--

22 THE PANEL MEMBER: No, sir, it would not.

23 THE COURT: Okay. Pass it on down. I think there's
24 somebody down at the end. Oh, yes, sir.

25 PANEL MEMBER: Gary Billstrom. My sister's husband

1 works at the Clements Unit as a correctional officer.

2 THE COURT: And I'll ask you the same question, sir.

3 Would that in any way inhibit--

4 THE PANEL MEMBER: No, it would not.

5 THE COURT: All right. I think it's down this end.

6 PANEL MEMBER: Vernon Noble. My wife is with the

7 Texas Department of Criminal Justice Pardons and Parole

8 Division, and no, it would not.

9 THE COURT: All right. And somebody at the back?

10 PANEL MEMBER: Sherry Hooten. I have a

11 brother-in-law that's with the Amarillo Police Department and a

12 good friend that's with the Randall County Sheriff's Office.

13 THE COURT: And would--would those facts--

14 THE PANEL MEMBER: No, it would not.

15 THE COURT: --in any way inhibit you from being a

16 fair and impartial juror?

17 THE PANEL MEMBER: No, sir.

18 THE COURT: No?

19 THE PANEL MEMBER: No, sir.

20 THE COURT: All right. Anybody else? Yes, ma'am?

21 PANEL MEMBER: Sue Arnold. I have a grandson who

22 just graduated from the New Mexico State Police Academy.

23 THE COURT: And same question to you.

24 THE PANEL MEMBER: No.

25 THE COURT: Okay.

1 PANEL MEMBER: Jason Jupe. My father is--works for
2 Potter County Sheriff's Department, and--

3 THE COURT: Same question to you. Would not?

4 THE PANEL MEMBER: No, sir.

5 THE COURT: All right. Yes, sir?

6 PANEL MEMBER: Roy Reed. I just have several
7 friends in the--in law enforcement in Pampa and Miami and
8 Wheeler and all over. They're good friends.

9 THE COURT: And would that--

10 THE PANEL MEMBER: No, it would not.

11 THE COURT: It would not? All right.

12 Anybody else? Did I miss anybody? Yes, ma'am.

13 PANEL MEMBER: Joni Yara. My brother-in-law is a--
14 at the police department in Perryton, and my nephew is at the
15 police department in Dumas.

16 THE COURT: And would that in any way inhibit you?

17 THE PANEL MEMBER: No.

18 THE COURT: Okay. Anybody else? Did we miss
19 anybody? Is that everybody? Good. Okay. Thank you.

20 Have any of you ever served in the military?

21 Anybody? Yes, sir.

22 PANEL MEMBER: Bonner Green.

23 THE COURT: What branch?

24 THE PANEL MEMBER: United States Air Force.

25 THE COURT: When?

1 THE PANEL MEMBER: '70 to '74.

2 THE COURT: Okay. Thank you, sir.

3 PANEL MEMBER: Gary Billstrom. I served in the Navy
4 from 1970 to 1972.

5 THE COURT: Okay, sir. Anybody else? Nobody else?
6 Okay.

7 You will hear testimony from law enforcement
8 officers and agents. Would you tend to believe the testimony
9 of such a government agent or an employee over the testimony of
10 a private individual merely because he is a government employee
11 or agent? If you would, raise your hand. Yes, sir. You
12 would?

13 PANEL MEMBER: Yes.

14 THE COURT: Your name, please?

15 THE PANEL MEMBER: Gary Keeler.

16 THE COURT: Anybody else? Anybody else? Yes. You
17 would, sir?

18 PANEL MEMBER: Robert Ventura. Yes, sir.

19 THE COURT: You would believe an agent just because
20 he was an agent?

21 THE PANEL MEMBER: No, sir.

22 THE COURT: No? Would you believe an agent over a
23 private individual just because he's an agent--

24 THE PANEL MEMBER: Yes, sir.

25 THE COURT: --or law enforcement?

1 THE PANEL MEMBER: Yes, sir.

2 THE COURT: Okay. Your name again, please?

3 THE PANEL MEMBER: Robert Ventura.

4 THE COURT: I'm sorry. Your number? Do we know?

5 THE PANEL MEMBER: 38.

6 THE COURT: 38? Oh, yes.

7 All right. Anybody else?

8 This is not a sequestered jury. We will start in
9 the morning at 9:00, and we will finish up at 5:00. The
10 lawyers think the trial may last as long as a week. I think it
11 will last five days, but say five, eight days at the most. Are
12 there any business, social, or personal matter which would so
13 interfere with your concentration during this trial for that
14 period of time that you should not serve on a jury? All right.
15 Yes, sir. Your name again?

16 PANEL MEMBER: Roy Reed. I apologize.

17 THE COURT: That's okay. I'm going to ask you
18 later.

19 THE PANEL MEMBER: I'm a self-employed guy--

20 THE COURT: Okay. I'm going to ask you later.

21 That's okay.

22 Anybody else? Okay.

23 PANEL MEMBER: Tim Huddleston.

24 THE COURT: Give me a number, please.

25 THE PANEL MEMBER: Number 28.

1 THE COURT: 48?

2 COURTROOM DEPUTY: 28.

3 THE COURT: Mr. Huddleston, you have a problem?

4 Okay. Who else? All right.

5 PANEL MEMBER: Steven Dancy, 49.

6 THE COURT: All right. Anybody else?

7 PANEL MEMBER: Joni Yara, Number 50.

8 THE COURT: Anybody else?

9 PANEL MEMBER: Gary Keeler, 17.

10 THE COURT: All right. Anybody else?

11 PANEL MEMBER: Carina Morales, 25.

12 THE COURT: 25?

13 PANEL MEMBER: Sid Tuls, 19.

14 PANEL MEMBER: Robert Ventura, Number 38.

15 PANEL MEMBER: Mark Sorrels, Number--

16 THE COURT: Wait, wait. Let me do a note first.

17 Mr. Ventura?

18 COURTROOM DEPUTY: 38.

19 THE COURT: Yes, sir?

20 PANEL MEMBER: Mark Sorrels, Number 41.

21 THE COURT: All right. Anybody else?

22 PANEL MEMBER: Kelly Lorenz, Number 24.

23 THE COURT: Okay. Anybody else? Did I miss

24 anybody? All right. Thank you.

25 Think about this for a minute. Suppose you were the

1 defendant in this case, or suppose you were representing the
2 government. Can you think of any reason why you wouldn't want
3 someone just like you to be on the jury?

4 Do any of you have any personal knowledge at all
5 about the facts of this case? All right. Have any-- Oh, yes,
6 ma'am.

7 PANEL MEMBER: I'm an avid reader, and so I read
8 what has been posted on the Internet--

9 THE COURT: Okay. Stop just a second. You've read
10 about it?

11 THE PANEL MEMBER: Yes, sir.

12 THE COURT: And your name again, please?

13 THE PANEL MEMBER: Elizabeth Benton.

14 THE COURT: And I don't want you to tell me what
15 you've read. I just want to ask you a few specific questions.

16 THE PANEL MEMBER: Yes, sir.

17 THE COURT: The source of your information is?

18 THE PANEL MEMBER: Primarily amarillo.com.

19 THE COURT: Okay. And how many articles do you
20 think you've read?

21 THE PANEL MEMBER: Just whatever has been posted
22 recently, so probably four, five maybe.

23 THE COURT: Do you remember any of the specifics
24 about what you read?

25 THE PANEL MEMBER: Well--

1 THE COURT: Don't tell me what they are; just tell
2 me whether you--

3 THE PANEL MEMBER: Yes, I do remember some
4 specifics.

5 THE COURT: Okay. Have you formed any opinion about
6 the guilt or innocence of the defendant?

7 THE PANEL MEMBER: No, sir. I find it interesting
8 to read about--

9 THE COURT: Okay. Would you be able, if you're
10 selected, to put that out of your mind and decide this case
11 solely on what you see and hear in this courtroom?

12 THE PANEL MEMBER: I would do my very best.

13 THE COURT: Can I get a yes or a no from you?

14 THE PANEL MEMBER: That's a yes.

15 THE COURT: Okay. All right. Anybody else?
16 Anybody else? Your name, please, sir?

17 PANEL MEMBER: William Garrett.

18 THE COURT: And don't tell me what you've read; just
19 tell me where--what was the source of your information?

20 THE PANEL MEMBER: Internet and TV.

21 THE COURT: Okay. And about how often have you had
22 occasion to read or hear about this case?

23 THE PANEL MEMBER: Usually about twice a week, I
24 look on it.

25 THE COURT: Okay. And do you remember any of the--

1 don't tell me what they are--

2 THE PANEL MEMBER: Yes.

3 THE COURT: --any of the facts about the case?

4 THE PANEL MEMBER: Yes.

5 THE COURT: Have you formed an opinion about the
6 case?

7 THE PANEL MEMBER: Yes.

8 THE COURT: Would you then not be able to put that
9 aside and decide this case solely on what you see and hear in
10 this courtroom?

11 THE PANEL MEMBER: Probably not.

12 THE COURT: Okay. And your number again, please,
13 sir?

14 THE PANEL MEMBER: 31.

15 THE COURT: What?

16 THE PANEL MEMBER: 31.

17 THE COURT: Anybody else? Yes, ma'am.

18 PANEL MEMBER: Joni Yara.

19 THE COURT: All right. Don't tell me about what
20 you've read now; just tell me, what's the source of your
21 information?

22 THE PANEL MEMBER: The Amarillo Globe News and just
23 local Amarillo news stations.

24 THE COURT: Okay. About how many times have you
25 read about this?

1 THE PANEL MEMBER: Just twice recently, but I saw it
2 on the news when it happened.

3 THE COURT: Okay. And do you remember anything
4 specific about the case?

5 THE PANEL MEMBER: Yes, yes.

6 THE COURT: Have you formed an opinion about the
7 case?

8 THE PANEL MEMBER: Yes.

9 THE COURT: So you think you could not take an oath
10 that you're going to decide this case based solely on what you
11 see and hear in this courtroom?

12 THE PANEL MEMBER: I feel that I could give him a
13 fair trial. I mean--

14 THE COURT: Well, now, you know, I'll put it to you
15 this way. You have to take an oath, and that oath says: I
16 will decide this case based on what I see and hear in this
17 courtroom, and that's it, and the law as the judge gives it.
18 Could you, in conscience, take such an oath?

19 THE PANEL MEMBER: Yes, I could.

20 THE COURT: Okay. Thank you.

21 Anybody else? Yes, sir. Somebody--oh. Your name?

22 PANEL MEMBER: Steven Dancy, 49.

23 THE COURT: Yes, sir. Without telling me--just tell
24 me, what's the source of your information?

25 THE PANEL MEMBER: Amarillo TV station.

1 THE COURT: And how often have you seen anything
2 about that?

3 THE PANEL MEMBER: A couple of times.

4 THE COURT: And do you remember any of the
5 specifics?

6 THE PANEL MEMBER: Yes, sir.

7 THE COURT: And have you formed an opinion about the
8 case?

9 THE PANEL MEMBER: Yes, sir.

10 THE COURT: Well, could you put that aside and
11 decide this case based solely on the evidence that you hear and
12 see in this courtroom?

13 THE PANEL MEMBER: To be honest, no, sir, I
14 couldn't.

15 THE COURT: Your number again, please, sir?

16 THE PANEL MEMBER: 49.

17 THE COURT: All right. Yes, ma'am?

18 PANEL MEMBER: Sherry Hooten.

19 THE COURT: The source of your information?

20 THE PANEL MEMBER: Amarillo newspaper.

21 THE COURT: And have you read much about the case?

22 THE PANEL MEMBER: Maybe two articles.

23 THE COURT: Do you remember much about it?

24 THE PANEL MEMBER: General information.

25 THE COURT: And have you formed an opinion about the

1 case?

2 THE PANEL MEMBER: No, sir.

3 THE COURT: Would you be able to put aside anything
4 that you read and decide the case solely on what you see and
5 hear--

6 THE PANEL MEMBER: Yes.

7 THE COURT: --in this courtroom and the law as I
8 give it?

9 THE PANEL MEMBER: Yes, sir.

10 THE COURT: Okay. Anybody else? Yes, sir.

11 PANEL MEMBER: Carroll White. Just the Internet, on
12 the Globe News yesterday afternoon.

13 THE COURT: Okay. And have you formed an opinion
14 about the case?

15 THE PANEL MEMBER: No, sir.

16 THE COURT: Could you put aside everything that
17 you've read or heard about it and decide the case on what you
18 see and hear in this courtroom?

19 THE PANEL MEMBER: I believe so.

20 THE COURT: Could I get a yes or a no?

21 THE PANEL MEMBER: Yes, sir.

22 THE COURT: Okay. Thank you.

23 Anybody else? Yes, ma'am.

24 PANEL MEMBER: Kathy Norris. And I had seen it on
25 TV and read it in the paper.

1 THE COURT: Okay. And have you--

2 THE PANEL MEMBER: I don't remember--

3 THE COURT: How much--do you remember much about the
4 specifics?

5 THE PANEL MEMBER: No, not really.

6 THE COURT: And have you formed an opinion about the
7 case?

8 THE PANEL MEMBER: I have. I have.

9 THE COURT: The question is, could you put that
10 aside and decide this case solely on what you see and hear in
11 this courtroom and the law as I give it?

12 THE PANEL MEMBER: I would certainly try, but I
13 can't promise you.

14 THE COURT: Well, I have to have a promise, because
15 you're going to have to take an oath.

16 THE PANEL MEMBER: Yes, I would--I would try, yes.

17 THE COURT: No. Yes, you would do it, or no, you
18 can't?

19 THE PANEL MEMBER: Yes, I would do it.

20 THE COURT: Okay. Thank you.

21 Did I miss anybody? Yes, back here.

22 PANEL MEMBER: Mark Sorrels, Number 41.

23 THE COURT: All right. What's the source of your
24 information?

25 THE PANEL MEMBER: Amarillo newspaper.

1 THE COURT: And do you remember much of the
2 specifics of the case?

3 THE PANEL MEMBER: Just general details.

4 THE COURT: Well, could you put that aside and
5 decide the case solely on what you see and hear in this
6 courtroom?

7 THE PANEL MEMBER: Yes. Yes.

8 THE COURT: Okay. Thank you.

9 Did I miss anybody?

10 Do you know of any other reason that I haven't
11 covered that would affect your ability to be a fair and
12 unbiased juror in this case? Anybody?

13 All right. I usually let the lawyers ask you some
14 questions, questions about yourself. So Mr. Haag?

15 MR. HAAG: Thank you, Your Honor. With the court's
16 permission, Ms. Williams will be doing the voir dire.

17 THE COURT: I beg your pardon?

18 MR. HAAG: With your permission, Your Honor,
19 Ms. Williams will be doing the voir dire.

20 THE COURT: All right. Ms. Williams?

21 MS. WILLIAMS: Good morning. It is still morning.
22 You may feel like you've been here all day, but it is still
23 morning. I will just have a few questions for you. Some of
24 the ground that-- Can everyone hear me okay? I'm going to see
25 nods.

1 Some of the ground that I will cover, the judge went
2 over with you a little bit. Some of that, I want to go into a
3 little more in detail. I believe all of you realize that this
4 is an important and a serious case, so we want to make sure
5 that the people that are sitting here in the jury box are the
6 fairest jury that we can get for both sides. Not only--

7 THE COURT: Okay. Don't argue your case. Just--you
8 can ask individual questions--

9 PANEL MEMBER: We can't hear.

10 THE COURT: --if you want to know something about
11 the individuals--

12 PANEL MEMBER: We can't hear him.

13 THE COURT: You can't hear me?

14 THE PANEL MEMBER: No.

15 THE COURT: Okay. I just instructed her just to ask
16 questions about--that she wants to know about you individually;
17 not the time for opening statement.

18 MS. WILLIAMS: When you came to the courthouse this
19 morning, was anyone nervous? Anyone? I see four hands.
20 Anyone more than-- Anyone nervous? Anyone still nervous? All
21 right.

22 Is there anyone on the jury panel who has ever
23 testified in a civil or criminal case before? Let's see. On
24 the first row?

25 PANEL MEMBER: Roberta Godsey.

1 MS. WILLIAMS: I'm sorry? Ms. Godsey?

2 THE PANEL MEMBER: Yes.

3 MS. WILLIAMS: You have testified before?

4 THE PANEL MEMBER: Yes. I'm a CPS investigator, and
5 I testified in relation to CPS cases.

6 MS. WILLIAMS: When you testify, are you nervous?

7 THE PANEL MEMBER: No, not usually. I've worked for
8 the agency for eleven years, so no.

9 MS. WILLIAMS: Back when you first started, did you
10 get nervous?

11 THE PANEL MEMBER: Oh, of course, yeah.

12 MS. WILLIAMS: About how many times do you think
13 you've testified?

14 THE PANEL MEMBER: Oh, goodness. In eleven years,
15 probably 30, 40 times.

16 MS. WILLIAMS: All right. Thank you very much.

17 Just a general question. Does anyone have any
18 difficulty sitting in judgment of someone else due to your
19 religious, moral, or social reasons? Anyone believe that they
20 could not sit in judgment or could not make a decision one way
21 or the other in this case? I see no hands.

22 There were a couple of people that said that they
23 would believe law enforcement over other witnesses, and I'm
24 paraphrasing here. I believe Number 17, Mr. Keeler--

25 THE COURT: The ones who said that, we're going to

1 talk to individually.

2 MS. WILLIAMS: Oh. Thank you, Your Honor.

3 I believe the-- My question to you is, do you
4 understand that persons who are arrested in the United States,
5 regardless of their citizenship or immigration status, legal or
6 illegal, have the right under our Constitution--

7 THE COURT: Well, I think I have sufficiently
8 explained that, ma'am.

9 MS. WILLIAMS: Yes, Your Honor.

10 Is there anyone on the jury panel that knows any
11 Muslims? Anyone on the jury panel that knows any Muslims?
12 Yes, ma'am. Tell us your name.

13 PANEL MEMBER: Elizabeth Moore. Elizabeth Moore.

14 MS. WILLIAMS: Okay. Can you tell me what number
15 you are?

16 THE PANEL MEMBER: 44, I believe.

17 MS. WILLIAMS: Yes, 44. How do you know this person
18 or persons?

19 THE PANEL MEMBER: He's a professor at West Texas
20 A&M University.

21 MS. WILLIAMS: How long have you known him?

22 THE PANEL MEMBER: Six or seven years.

23 MS. WILLIAMS: Are you a close associate with this
24 person?

25 THE PANEL MEMBER: No, not close.

1 MS. WILLIAMS: And while you're standing up, I also
2 wanted to ask you-- You mentioned that you were a part-time
3 instructor. What do you teach there?

4 THE PANEL MEMBER: I teach in the Department of
5 Agriculture. I teach horticulture.

6 MS. WILLIAMS: Thank you.

7 There was someone else on this side. Yes, ma'am.

8 PANEL MEMBER: Pamela Barrett, and I've been a high
9 school teacher for 25 years, so I have lots of students.

10 MS. WILLIAMS: Okay. You have lots of students, and
11 some of those are of the Muslim faith?

12 THE PANEL MEMBER: Oh, yeah.

13 MS. WILLIAMS: All right. And have you been
14 involved with the students, as well as with their parents, or--

15 THE PANEL MEMBER: Mainly just the students. Some
16 parents though.

17 MS. WILLIAMS: Okay. Would you say you had a close
18 association with those folks?

19 THE PANEL MEMBER: The students, yeah.

20 MS. WILLIAMS: All right. Thank you very much.

21 Anyone else on this side? Yes, ma'am.

22 Ms. Jackson-- Oh, I'm sorry.

23 PANEL MEMBER: Sarah Victor, Number 3.

24 MS. WILLIAMS: Yes.

25 THE PANEL MEMBER: They are my co-workers.

1 MS. WILLIAMS: Okay.

2 THE PANEL MEMBER: I've known them for about--a
3 little over a year, and I'd say I get along with them pretty
4 well.

5 MS. WILLIAMS: Okay. Close friend or acquaintance?

6 THE PANEL MEMBER: We're--oh, yeah, we're definitely
7 friends.

8 MS. WILLIAMS: All right. Thank you very much.

9 PANEL MEMBER: Shannon Jackson. Just one of my
10 daughter's classmates.

11 MS. WILLIAMS: Do you have a close association with
12 this young woman or her family?

13 THE PANEL MEMBER: No, not really. I sub, and he's
14 a friend of hers.

15 MS. WILLIAMS: Oh, all right. Thank you very much.

16 Anyone to my right? We have several.

17 PANEL MEMBER: Sherry Hooten, Number 33. At my job,
18 I previously did workmen's comp and family medical leave, and
19 two of our employees that I have dealt with, they are
20 acquaintances that are of the Muslim faith.

21 MS. WILLIAMS: All right. Thank you very much.

22 THE PANEL MEMBER: You're welcome.

23 PANEL MEMBER: Are you asking personally, like
24 friends, or just like if you work with somebody or barely know
25 them?

1 MS. WILLIAMS: I'm asking all of that.

2 THE PANEL MEMBER: Well, I don't judge, so I'm not
3 really sure. I just want to say I have met somebody like that,
4 if that makes sense.

5 MS. WILLIAMS: Are you close with anyone of the
6 Muslim faith?

7 THE PANEL MEMBER: No, ma'am.

8 MS. WILLIAMS: Thank you.

9 Anyone else on that side? All right. Thank you
10 very much.

11 Is there anyone on the jury panel that has a
12 background or some kind of specialized knowledge in the field
13 of chemistry? Anyone on the jury panel have a specialized
14 knowledge in the field of chemistry?

15 Is there anyone on the jury panel that has a
16 specialized knowledge in the area of explosives? Anyone? All
17 right.

18 And we may have several hands on this one. Is there
19 anyone who has specialized knowledge in computers?
20 Mr. McDonald?

21 PANEL MEMBER: Kevin McDonald. I've been working on
22 computers and networks ever since--oh, I don't know, since I
23 was a kid. Played games, been a network administrator for
24 Amarillo Diagnostic Clinic here in town, or was for five and a
25 half years, and I worked in the IT business. Still do website

1 development, that kind of stuff. I live on a computer, so yes.

2 MS. WILLIAMS: Yes, sir. Have you ever been
3 involved in the area of computer forensics?

4 THE PANEL MEMBER: As far as recovering data for
5 customers, yes. Hard drive crashes things like that, yes.

6 MS. WILLIAMS: If there are witnesses that testify
7 as experts in the area of computers and computer forensics,
8 would you be able to set aside the knowledge that you have and
9 base any verdict that you would make on the evidence that you
10 hear from those experts?

11 THE PANEL MEMBER: Certainly.

12 MS. WILLIAMS: Thank you.

13 PANEL MEMBER: Pam Barrett. One of my degrees is
14 computer literacy. And I'm mainly more with teaching students
15 computer, and I teach online, like right now for the Texas
16 Virtual School Network, so writing some of the programs, but no
17 knowledge of forensics.

18 MS. WILLIAMS: All right. And any knowledge that
19 you would have about computers, would you be able to set the
20 knowledge you have aside and base any verdict that you--

21 THE PANEL MEMBER: Absolutely.

22 MS. WILLIAMS: --render only on the evidence that
23 you hear here in the courtroom?

24 THE PANEL MEMBER: Yes.

25 MS. WILLIAMS: Thank you.

1 PANEL MEMBER: Vernon Noble, Number 18. I've been
2 in IT for about twelve years now, and I have an associates in
3 applied science in software systems networking. I have some
4 Microsoft certifications and Comp certifications.

5 MS. WILLIAMS: Have you been involved in forensic
6 examinations of computers?

7 THE PANEL MEMBER: Recovering data and stuff, yes.

8 MS. WILLIAMS: Any knowledge that you might have
9 about computers, would you be able to set that aside and listen
10 to the experts from the witness stand and base your verdict
11 only on the evidence and the testimony that you hear in the
12 courtroom this week?

13 THE PANEL MEMBER: Yes, ma'am.

14 MS. WILLIAMS: Thank you.

15 PANEL MEMBER: Evelyn Jenkins, 47. I'm an IMS
16 manager at my job, so we support software and computers for our
17 school districts here in the Texas Panhandle, so a little bit
18 of knowledge.

19 MS. WILLIAMS: A little bit of knowledge about
20 computers?

21 THE PANEL MEMBER: Yes, ma'am.

22 MS. WILLIAMS: Anything about forensic work on
23 computers?

24 THE PANEL MEMBER: Not really. Staff takes care of
25 that.

1 MS. WILLIAMS: If you were to hear someone testify
2 from the witness stand as an expert regarding computers,
3 computer forensics, et cetera, would you be able to set aside
4 what you know and listen to them fairly and impartially in
5 making your decision?

6 THE PANEL MEMBER: Yes, ma'am. Yes, ma'am.

7 MS. WILLIAMS: Thank you.

8 Did I miss anyone? All right.

9 Is there anyone on the jury panel that has ever
10 traveled to any Middle Eastern countries? Saudi Arabia, Iraq,
11 Iran, any of those? Mr. Noble?

12 PANEL MEMBER: Yes. Vernon Noble, Number 18. Now
13 that I think about it, it was probably Far East, Malaysia,
14 Korea, Central America, South America.

15 MS. WILLIAMS: Those sound pretty Far East to me.

16 THE PANEL MEMBER: Yeah.

17 MS. WILLIAMS: All right. Anybody travel to the
18 Middle East?

19 Is there anyone on the jury panel that speaks or
20 understands the Arabic language?

21 The judge spoke to you quite a bit, asked you some
22 questions about being fair and impartial. Is there anyone on
23 the jury panel who believes that they could not be a fair and
24 impartial juror in this case? Anyone on the jury panel, other
25 than the ones that have already spoken?

1 Will you be going over that more closely with them,
2 Your Honor?

3 THE COURT: Yes.

4 MS. WILLIAMS: Okay.

5 Is there anyone-- And I know the judge has gone
6 over with you some other issues that you might have. Before I
7 sit down, I want to make sure that I ask, is there anyone who
8 has sat there and thought, if only they would ask me this
9 question or ask me that question, I need to give them some
10 information. Is there anyone on the jury panel that hasn't
11 been asked the right question yet?

12 THE COURT: Well--

13 PANEL MEMBER: Gary Keeler, Number 17, yes.

14 MS. WILLIAMS: Yes, sir. And what is it that-- If
15 it's an opinion about the case or anything the judge has
16 already asked you, don't tell us that, but is there something
17 that you believe that we need to know in selecting the jury?

18 THE PANEL MEMBER: Yes, and I would rather be asked
19 in private about it.

20 MS. WILLIAMS: All right. Thank you.

21 There was someone else. Yes, Mr. Dancy?

22 PANEL MEMBER: Yes, Steve Dancy, 49. I have an
23 issue with--

24 THE COURT: Okay. Wait a second. Oh, you have an
25 issue with what? You've already indicated you have a problem

1 serving. Right?

2 THE PANEL MEMBER: Yes.

3 THE COURT: That's okay. Thank you.

4 MS. WILLIAMS: Thank you for your time.

5 MR. COGDELL: May it please the court?

6 THE COURT: Yes, sir, Mr. Cogdell.

7 MR. COGDELL: Judge, if it's okay, I'm going to
8 stand here, and I think y'all will be able to hear me. Can
9 anyone--I don't want to do what he did when he was young. Can
10 everybody hear me okay? All right.

11 Judge Walter was nice enough to have you share a
12 little bit about yourself. I think it's only fair that I give
13 you the 30-second spiel on me. I live at home with my wife,
14 with a 16-year-old son. We have a dog--we have two dogs. I'm
15 a lawyer obviously. My wife works in our--

16 THE COURT: Okay, Mr. Cogdell. Let's get to your
17 questions.

18 MR. COGDELL: Okay.

19 Would all of y'all generally agree with me that each
20 of us has some sort of bias or prejudice that's just--we all
21 have feelings about different types of cases, different types
22 of people, different types of allegations. I think we react to
23 them individually. Okay? Here's the object of the exercise.
24 We want to make sure that you are the right juror in this case.
25 Okay? In this case.

1 How many of you, before you came in here, knew that
2 this case was--involved the allegation of attempted use of a
3 weapon of mass destruction? A small percentage. Okay. I
4 think the judge has talked to y'all about that.

5 Knowing that this case involves the allegation of
6 attempted use of a weapon of mass destruction, I want you to
7 simmer on that for a minute. Okay? Juror Number 1, how do you
8 react to that allegation, when you hear the words "attempted
9 use of a--"

10 THE COURT: Well, Mr. Cogdell, I don't think I'm
11 going to let you do that, because I've already told all of them
12 that they will be taking an oath, and that oath will say, "I
13 will decide this case based solely on what I hear and see in
14 this courtroom and the law as you give it," and I'm not going
15 to let anything else interfere with that, so--

16 MR. COGDELL: Let me see if I can ask it--

17 JURY CLERK: Judge, I have a juror who has to leave,
18 for a second, the room, please.

19 THE COURT: Okay. Is that okay if we proceed, or do
20 we want to wait for him to come back?

21 MR. COGDELL: Either way, Your Honor.

22 THE COURT: Okay. Let's wait till he-- Let's
23 proceed then, if that's all right.

24 MR. COGDELL: Okay.

25 Let me ask a similar question in maybe a little bit

1 different way. Is there anybody on the panel that is concerned
2 that it might be harder to, for example-- Mr. Aldawsari, stand
3 up.

4 (DEFENDANT STANDS)

5 MR. COGDELL: That it might be harder--given the
6 nature of the allegation, being attempted use of a weapon of
7 mass destruction, that it might be harder to presume him
8 innocent than it would be if he was charged with some other
9 type of case? Anybody feel that way? Okay. We've talked to
10 you about it. Anybody else? Anybody on the first nine have a
11 concern that, because of the nature of the allegation, it might
12 be harder to presume him innocent?

13 Second nine over here to my left, second row, no
14 issues? Second row to my right, no issues? Yes, ma'am. Tell
15 us.

16 THE COURT: Wait just a second. Your name, please?

17 PANEL MEMBER: Oma Zimmerman.

18 THE COURT: And your number?

19 THE PANEL MEMBER: 26. Unfortunately, I--

20 THE COURT: No, that's okay. We're going to talk to
21 you individually.

22 MR. COGDELL: Okay. Anybody else have a similar
23 concern, given the nature of the allegation? Yes, sir. Your
24 name and number?

25 PANEL MEMBER: Mark Sorrels, Number 41.

1 MR. COGDELL: Judge, I take it you want us to--

2 THE COURT: I already got him.

3 MR. COGDELL: Okay.

4 Mr. Sorrels, do you have relatives in Houston, by
5 any chance?

6 THE PANEL MEMBER: No.

7 MR. COGDELL: Okay. There's a very good lawyer with
8 your same last name.

9 Anybody else on this side of the room? On this side
10 of the room? Yes, sir, we've talked to you.

11 Kind of a parallel question. He's a Muslim. Okay?
12 He's a Saudi Arabian citizen. He's not from around here
13 originally. Okay? When any of you hear the words "Saudi
14 Arabian citizen," does that spark any sort of negative
15 connotation or inference?

16 Let me ask it another way. I'm going to challenge
17 y'all a little bit. If you were getting on a plane and the guy
18 sitting next to you on the left or the right was a Saudi
19 citizen, would you think kind of hard about that? Number 10,
20 11--12, got you nodding. Help me with what you're thinking.

21 PANEL MEMBER: Are you speaking to me?

22 MR. COGDELL: Yes, sir.

23 THE PANEL MEMBER: What was your question, please?

24 MR. COGDELL: If you were getting ready to take an
25 airplane flight--

1 THE PANEL MEMBER: Oh, okay.

2 THE COURT: No, don't-- Wait. The question was
3 again, Mr. Cogdell?

4 MR. COGDELL: It was, does it spark a negative
5 inference with you?

6 THE COURT: And does it? Just yes or no.

7 PANEL MEMBER: No, it wouldn't.

8 MR. COGDELL: Does it spark a negative--just a
9 little bitty negative inference with anybody? Number-- Let's
10 see. We've got 9, 18, 20--

11 PANEL MEMBER: 21.

12 MR. COGDELL: 21. And I think Number 19, you're
13 telling us yes, it does. And Number 21, you're telling us yes,
14 it does.

15 THE PANEL MEMBER: It did at one time. After--

16 THE COURT: That's okay. That's okay.

17 THE PANEL MEMBER: --after 9/11--

18 THE COURT: Who was that, now?

19 MR. COGDELL: Number 21, Your Honor.

20 Does it still, with you?

21 THE PANEL MEMBER: No.

22 MR. COGDELL: Okay. Number 19, I'm assuming that's
23 still the current--

24 PANEL MEMBER: Yes.

25 MR. COGDELL: Without getting into it? And we'll

1 talk to you up there.

2 Anybody else have--yes, sir, we got you--a negative
3 inference when we hear the phrase or hear the words "Saudi
4 Arabian"? Okay.

5 Muslim. Counsel asked several people if any of you
6 know any Muslims. All right. Good question. I assume most us
7 are probably members of the Christian faith. Not all, but
8 most. Him being a Muslim or following the Islamic faith, does
9 that raise any issue with any of you that maybe we need to talk
10 about? Okay. Number--

11 PANEL MEMBER: 6.

12 MR. COGDELL: --6?

13 You're going to be hearing testimony about the
14 differences, I think, in religion and the faith to some extent.
15 Anybody else other than Number 6 that--

16 THE COURT: Probably not, Mr. Cogdell, but--

17 MR. COGDELL: Maybe?

18 THE COURT: --but go ahead.

19 MR. COGDELL: Maybe I'll go with that one. Thank
20 you.

21 THE COURT: All right.

22 MR. COGDELL: Anybody else, other than Number 6,
23 believe that following the Islamic faith or being a Muslim
24 might be something that you need to discuss or want to discuss
25 at the bench? Yes, sir, we've already got you. You're

1 Number 17. Right?

2 We've got another--Number 19, same Muslim, Islamic
3 issues? Anybody else on that issue?

4 Let me just ask sort of a--oh, a generic question.
5 Knowing that it is a case involving the allegation of attempted
6 use of a weapon of mass destruction, knowing that he's a Saudi
7 citizen, knowing that he follows the Islamic faith and is a
8 Muslim, when you consider all those factors, are any of you
9 reaching a tipping point in your own mind where you're
10 thinking, maybe this isn't the right case for me to be the kind
11 of fair and impartial juror I want to be, when you consider all
12 those things together? Or any of you get to the point where
13 you think, you're asking me to presume him innocent--

14 MS. WILLIAMS: Your Honor, I'm going to object to
15 this line of questioning.

16 THE COURT: Yes. You're arguing your case,
17 Mr. Cogdell.

18 A few more minutes.

19 MR. COGDELL: Okay.

20 THE COURT: I think we've pretty well exhausted--

21 MR. COGDELL: Okay.

22 The right to remain silent. Do we all understand
23 that? Does anybody have a specific problem with the right to
24 remain silent given these accusations and given the awareness
25 of things we've just discussed?

1 THE COURT: I will instruct you that--if
2 appropriate, that no inference whatsoever can be drawn from the
3 election of a defendant not to testify. If you have a problem
4 with that, raise your hand. Okay.

5 MR. COGDELL: Of course, that is absolutely a law.
6 The question is, I'm trying to--trying; I'm just not articulate
7 enough to ask it--is it harder to apply that instruction in
8 this case than it would be in other cases? Do you follow me?
9 Anybody feel that way?

10 All right. Easy questions. How many members of--
11 how many members of the National Rifle Association do we have
12 here? Raise your hand. Okay. Number--tell us your number.

13 PANEL MEMBER: 1.

14 PANEL MEMBER: 6.

15 MR. COGDELL: Over here?

16 PANEL MEMBER: 14.

17 MR. COGDELL: 14. Back over here, NRA members? You
18 are Number 10. Right?

19 PANEL MEMBER: 10.

20 PANEL MEMBER: 28.

21 MR. COGDELL: 28. Back here?

22 PANEL MEMBER: 49.

23 MR. COGDELL: Okay.

24 PANEL MEMBER: 46.

25 MR. COGDELL: 46?

1 THE PANEL MEMBER: Not currently, but I used to be.

2 MR. COGDELL: You're recovered. Okay.

3 How many handgun owners? Probably easier to ask not
4 how many handgun owners, don't have handguns.

5 All right. Lawyers. Anybody have a close-- The
6 judge talked to you and counsel talked to you about law

7 enforcement friends and relatives. Any of you unfortunate

8 enough to have any lawyers that are friends or relatives?

9 First row, over here. Number 10, you do? Who is that person?

10 PANEL MEMBER: Tommy Green.

11 MR. COGDELL: Okay.

12 THE PANEL MEMBER: In Houston.

13 MR. COGDELL: Okay. What does Tommy Green do?

14 THE PANEL MEMBER: He's a lawyer.

15 MR. COGDELL: Okay. What kind of litigation?

16 THE PANEL MEMBER: I don't even know.

17 MR. COGDELL: Okay. Anybody else have a friend or
18 relative that's a lawyer? Back row, or second row back here?

19 PANEL MEMBER: Kathy Norris.

20 MR. COGDELL: And what's your relation to her?

21 THE PANEL MEMBER: It's a him. He's a trial lawyer
22 in oil and gas.

23 MR. COGDELL: What's the first name?

24 THE PANEL MEMBER: His name is Jody Sheets.

25 MR. COGDELL: Oh, I thought you said his name was

1 Kathy Norris. You're Kathy Norris.

2 THE PANEL MEMBER: I was married to him--

3 MR. COGDELL: You were married to him?

4 THE PANEL MEMBER: --about 25 years ago.

5 MR. COGDELL: Okay.

6 THE PANEL MEMBER: We're not anymore.

7 MR. COGDELL: Okay. Anybody else? Yes, ma'am.

8 PANEL MEMBER: Sherry Hooten. I have a cousin
9 that's a lawyer.

10 MR. COGDELL: What kind of law?

11 THE PANEL MEMBER: I'm not sure. He's not a close
12 cousin, but--

13 MR. COGDELL: Okay. Down here, anybody else?

14 PANEL MEMBER: Rex Sharber. Joe Marr Wilson, he's a
15 criminal justice--or criminal attorney.

16 MR. COGDELL: Okay. Criminal defense lawyer?

17 Number 18? I think we've--I think we've got you on
18 some other issues, but while I've got you, who is it?

19 PANEL MEMBER: Vernon Noble, Number 18.

20 MR. COGDELL: Okay. All right. And the
21 relationship?

22 THE PANEL MEMBER: Oh, the-- Sorry. He's a judge.

23 MR. COGDELL: Sir?

24 THE PANEL MEMBER: His name is Phil Vanderpool.

25 MR. COGDELL: Okay. Who else?

1 PANEL MEMBER: Joni Yara, Number 50. I have a
2 cousin that's an attorney and a very, very close friend who's
3 an attorney.

4 MR. COGDELL: Okay. Here in Potter County?

5 THE PANEL MEMBER: No.

6 MR. COGDELL: What county?

7 THE PANEL MEMBER: In Lipscomb County.

8 MR. COGDELL: I'm sorry?

9 THE PANEL MEMBER: Lipscomb County.

10 MR. COGDELL: Gotcha.

11 PANEL MEMBER: Kevin Blodgett, 46. I have a
12 brother-in-law that's an attorney.

13 MR. COGDELL: What type?

14 THE PANEL MEMBER: I'm not sure.

15 MR. COGDELL: Okay. Anybody else over here? Our
16 decorator, you have a--

17 PANEL MEMBER: Yes, sir. Elizabeth Benton,
18 Number 40. My business partner's son-in-law is an attorney in
19 Wichita Falls. And also, Marty Rowley is a personal friend,
20 and I decorate for him, his offices around town.

21 MR. COGDELL: Okay. Yes, ma'am?

22 PANEL MEMBER: Sharon Weisgerber, 23. I've got a
23 nephew in El Paso that's a criminal lawyer.

24 MR. COGDELL: Okay.

25 PANEL MEMBER: Mark Sorrels, Number 41. I have four

1 friends that are attorneys.

2 MR. COGDELL: Okay. Different types of law, I take
3 it, Mr. Sorrels?

4 THE PANEL MEMBER: Yeah, a little bit of everything.

5 MR. COGDELL: Okay. Anybody else back there?

6 PANEL MEMBER: Robert Ventura, Number 38. I have a
7 friend that's an attorney in Amarillo.

8 MR. COGDELL: What type of law?

9 THE PANEL MEMBER: I'm not sure. And prior to my
10 wife getting her teaching degree, she used to work for the
11 County DA.

12 MR. COGDELL: Okay. Anybody else on this side of
13 the room?

14 PANEL MEMBER: Elizabeth Moore, Number 44. My dad
15 is a lawyer, but he's also the district judge over Hutchinson,
16 Hansford, and Ochiltree counties.

17 MR. COGDELL: Okay. Now, your dad being a district
18 judge--

19 THE PANEL MEMBER: Yes, sir.

20 MR. COGDELL: --obviously he sits in judgments on
21 people, probably sentences people from time to time and the
22 like. Does that matter at all in terms of your perception or
23 your ability to be the kind of fair and impartial juror you
24 want to be in this case?

25 THE PANEL MEMBER: No.

1 MR. COGDELL: Any influence one way or the other?

2 THE PANEL MEMBER: No.

3 MR. COGDELL: Okay. Anybody else on the lawyers?

4 May I have just one minute, Your Honor?

5 THE COURT: All right.

6 MR. COGDELL: Just one minute.

7 THE COURT: Yeah, one more question.

8 (PAUSE)

9 MR. COGDELL: Texas Tech. Anybody have any close
10 association with Texas Tech? Yes, ma'am.

11 PANEL MEMBER: I attended.

12 MR. COGDELL: Okay. Beyond that?

13 THE PANEL MEMBER: No.

14 MR. COGDELL: Anybody else?

15 PANEL MEMBER: Number 19. My daughter-in-law
16 graduated there.

17 MR. COGDELL: Okay. Anybody else?

18 THE PANEL MEMBER: 41. Same thing. My
19 daughter-in-law graduated there.

20 MR. COGDELL: Okay. And when I say "close
21 association," let me tighten that question up a bit. Other
22 than having a friend or a daughter or relative that went there,
23 is there somebody that's an active supporter, active in the
24 booster club, regular contributor or donator to that school or
25 that program? Yes, sir. You?

1 PANEL MEMBER: Number--no, my son.

2 MR. COGDELL: Your son? He is?

3 THE PANEL MEMBER: Yes, sir.

4 MR. COGDELL: Okay. Anybody else? Yes, ma'am.

5 PANEL MEMBER: I have a brother that's a graduate
6 and also in the booster.

7 MR. COGDELL: And your name and number?

8 THE PANEL MEMBER: Sherry Hooten.

9 MR. COGDELL: Okay.

10 Yes, ma'am, if you'd stand up--

11 PANEL MEMBER: My stepson.

12 MR. COGDELL: Stand up and give us your name.

13 THE PANEL MEMBER: Elizabeth Benton, Number 40. My
14 stepson graduated from there, got his master's from there, and
15 is also very involved.

16 MR. COGDELL: Okay. Financially?

17 THE PANEL MEMBER: Financially.

18 MR. COGDELL: Okay.

19 THE PANEL MEMBER: He's in the oil industry. He's
20 very involved.

21 MR. COGDELL: They like his involvement, do they?

22 THE PANEL MEMBER: They do.

23 MR. COGDELL: Okay. Anybody else on the Texas Tech
24 issue?

25 Okay. It's been a long day. It's going to continue

1 to be a long day. Thank you so much for your patience. All of
2 us greatly appreciate it.

3 Thank you, Your Honor.

4 THE COURT: Ladies and gentlemen, what I would like
5 from you is 10 minutes' indulgence. If y'all will just stay
6 seated there in your place for 10 minutes. If you need to use
7 the restroom, then certainly go and do so and--but come back
8 and sit there.

9 I would like to see the lawyers, or at least, say,
10 one on each side, and the court reporter and the courtroom
11 deputy in my chambers, please.

12 -----

13 (IN CHAMBERS)

14 THE COURT: Have you got your notes with you? Okay.
15 Have a seat. Be comfortable.

16 Here are the people that I have that we're going to
17 talk about individually: Number 6, Fatheree, who has a
18 problem, has an issue. Number 17, Mr. Keeler, who has a
19 problem. Number 19, Mr. Tuls, who has issues and problems.
20 Lorenz, Number 24, who has a problem. Morales, who has a
21 problem; that's Number 25. 26, Zimmerman, has a problem. 28,
22 Huddleston, has a problem. 31 has formed an opinion. 38,
23 Ventura, has a problem and would believe an agent. And 41,
24 Sorrels, who has an issue and a problem. And 44, who has a
25 child that she takes care of that's under ten. Reed,

1 Number 48, has a problem. Dancy, Number 49, has a problem.

2 And Yara, Number 50, has a problem.

3 Now, let me count those again, but I think there are
4 thirteen of them that have a problem.

5 LAW CLERK: Fourteen.

6 THE COURT: All right. Fourteen that have a
7 problem.

8 All right. We have fifty-three. Let's take those
9 fourteen out of it. That leaves us thirty-nine. We need
10 fourteen for the jury. That leaves us twenty-five. We have
11 sixteen challenges for cause. That leaves us nine--I mean for
12 your peremptory challenges. That leaves us nine. You have two
13 more for the alternates. That leaves us seven. I can let
14 everybody go that's got a problem and we still have enough
15 potential jurors, and I propose we do exactly that.

16 MR. COGDELL: Works for me, Judge.

17 MS. WILLIAMS: That's fine, Your Honor.

18 MR. COGDELL: My math right? We have fourteen with
19 a problem. We're still south of blowing the panel even, but
20 we've got--

21 THE COURT: We still have seven--or five.

22 MR. COGDELL: I think we may have five left.

23 THE COURT: Five left no matter what, even if
24 there's no double strikes.

25 MR. COGDELL: Yes, sir. I'm fine with that.

1 THE COURT: Well, all right. Now, I propose going
2 in there and I'm going to excuse everybody with a problem and
3 tell them to leave, and then I'm going to give them-- How long
4 will it take you to give me your ten?

5 MR. COGDELL: 30 minutes.

6 THE COURT: Suppose I let the rest of them go for
7 lunch.

8 MR. COGDELL: That's fine. Perfect.

9 THE COURT: With the instruction to come back-- Do
10 I need to send them back down to the jury room once they are
11 excused or just tell them they can leave?

12 COURTROOM DEPUTY: They can leave as long as you, of
13 course, say them by name so the jury clerk can get their name.

14 THE COURT: I want y'all to follow me very
15 carefully--

16 MR. COGDELL: Just for my--I'm assuming we are still
17 starting tomorrow with the opening and the evidence?

18 THE COURT: I think that's probably still a good
19 idea. We've got a lot that we can discuss, but we will pick
20 them and I'll give them the preliminary charge and I will send
21 them home.

22 MR. JACKS: Judge, you, at this stage, don't plan to
23 work Saturday right now?

24 THE COURT: I'm going to wait and see who we have
25 got and how far they are away, but I would really like not to,

1 because I want to go out and see Adobe Walls.

2 (DISCUSSION OFF THE RECORD)

3 -----

4 (IN OPEN COURT)

5 THE COURT: Okay. Lawyers and court people, please
6 check me on this.

7 Listen carefully for your name. Mr. Fatheree,
8 Number 6; Mr. Keeler, Number 17; Mr. Tuls, Number 19;
9 Ms. Lorenz, Number 24; Ms. Morales, Number 25; Ms. Zimmerman,
10 Number 26; Mr. Huddleston, Number 28; Mr. Garrett, Number 31;
11 Mr. Ventura, Number 38; Mr. Sorrels, Number 41; Ms. Moore,
12 Number 44; Mr. Reed, Number 48; Mr. Dancy, Number 49; and
13 Ms. Yara, Number 50. Did I get that all right, everybody?

14 MR. COGDELL: Yes, sir.

15 THE COURT: You are excused if I just called your
16 name.

17 Do you want me to go through them again to make
18 sure? Let me go through them one more time, because I don't
19 want anybody to leave that I don't call their name. Hold on,
20 sir. Just hold on. Fatheree, Keeler, Tuls, Lorenz, Morales,
21 Zimmerman, Huddleston, Garrett, Ventura, Sorrels, Moore, Reed,
22 Dancy, and Yara.

23 If I called your name that last time, you are free
24 to go with our thanks.

25 (THE NAMED PANEL MEMBERS EXIT THE COURTROOM)

1 THE COURT: All right. Now, the rest of you, I'm
2 going to-- It's 12:00. The lawyers need a little time to
3 decide what they're going to ask of me further. What I'm going
4 to ask you to do is--I'm going to let you go for an hour. Go
5 have lunch or do anything you want to in the next hour. I'll
6 ask you to be back here at 1:00, in the same row and preferably
7 in the same seat that you are in now.

8 And I'll tell you what will happen then. I will
9 then let all but fourteen of you go, and fourteen of you will
10 stay and serve as a juror. To those fourteen, I will then give
11 you some preliminary instructions, and then believe it or not--
12 and I promise you I'm going to save you a bunch of time by
13 taking the rest of the day off while we get ready to start
14 evidence in the morning. It sounds like we're going to waste
15 some hours of today, but believe me, we're going to be up here,
16 and the lawyers and I will be doing everything we can to get
17 this case as short as we can and should do.

18 So there we are. I'll ask you to please be back,
19 same row, pretty much the same seat--same seat if possible--in
20 one hour. Yes, sir?

21 MR. HAAG: Your Honor, we would request an
22 instruction to ask the jurors not to read any media or--

23 THE COURT: Okay. Please, let me--I'll do this
24 ahead of time. I'll do it again. Please do not read, watch,
25 listen to radio, TV, Internet, anything about this case until

1 this case is over with. Secondly--and I'm going to go ahead
2 and say it now. It's new. Please do not do any independent
3 research. Don't go on the Internet and look up any of this.
4 You know, I used to live in a little town called Monroe,
5 Louisiana, and my wife used to laugh. She said, the gossip in
6 that town is 94 percent accurate. The problem is the
7 6 percent.

8 Well, that's the problem with the Internet. It's
9 probably about 90 percent accurate, but the problem is the
10 10 percent. So please, do not do any independent research
11 whatsoever. Okay?

12 See y'all at, now, five after 1:00.

13 (RECESS TAKEN)

14 (OUTSIDE THE PRESENCE OF THE JURY PANEL)

15 THE COURT: Juror Number 1, Sarah Nicholson;
16 Number 2, Pamela Barrett; Number 3, Roberta Godsey; Number 4,
17 Gary Billstrom; Number 5, Debra Arroyos; Number 6, Carroll
18 White; Number 7, Thomas Simpson. That's Number 20. The ninth
19 one is Number 22, Scottie Brewer--excuse me, the eighth--
20 seventh is Number 20, Simpson. Number 21, Florer, is Number 8.
21 Scottie Brewer, Number 22, is Number 9. Sharon Weisgerber is
22 Number 10--

23 MR. COGDELL: I'm sorry, Your Honor. Did you say 21
24 was on the jury?

25 THE COURT: 21 is on the jury.

1 MR. COGDELL: All right. Thank you.

2 THE COURT: Janice Brownlow is Juror Number 11.

3 She's 27 on the list. And Matthew Smith, Number 34, is

4 Number 12. The first alternate is Richard Combs. Do I hear a

5 strike from the government?

6 MS. WILLIAMS: No, Your Honor.

7 THE COURT: Do I hear a strike from the defense?

8 Richard Combs, Number 37.

9 MR. COGDELL: No, Your Honor. No.

10 THE COURT: Mr. Combs is the first alternate.

11 The next alternate is Mr.--is Ms. Swapp. Right? Do

12 I hear a challenge from the government?

13 MS. WILLIAMS: No, Your Honor.

14 THE COURT: Do I hear a challenge from the defense?

15 MR. COGDELL: No, sir.

16 THE COURT: Now, I didn't--and it's my fault. I did

17 not give Mr. Cogdell the chance to exercise any--or ask for any

18 cause, and I apologize. Go ahead and tell me who you would

19 have asked for cause.

20 MR. COGDELL: Number 32, Your Honor, Ms. Kathleen

21 Marrs Norris, who stated that she had formed an opinion about

22 the guilt or innocence of Mr. Aldawsari.

23 THE COURT: Right. She formed an opinion, but then

24 she said that she was--she would pay attention and follow her

25 oath, and so I denied that one.

1 What else?

2 MR. COGDELL: Move for an additional peremptory in
3 light of the court's denial.

4 THE COURT: Why do you get an additional peremptory?

5 MR. COGDELL: I'm not saying I do; I'm just saying
6 I'm asking for it.

7 THE COURT: Okay. All right. Okay. So we have our
8 jury, and we have our alternates, and when they come back at
9 five after 1:00-- Y'all will need some time for lunch?

10 MR. COGDELL: That would be nice.

11 THE COURT: Well, how about 2:00, and if you want to
12 take off your coat and tie, that's fine with me too, when you
13 come back.

14 MR. COGDELL: You want us to stay here until five--
15 until 1:00?

16 THE COURT: I'm sorry?

17 MR. COGDELL: You want us to stay here until 1:00?

18 THE COURT: I want you to stay until I put the jury
19 in there, swear them, and give my--give a very short--about how
20 they're supposed to behave themselves.

21 MR. COGDELL: Yes, sir. Now, we've got our juror
22 questionnaires that we didn't make copies of and we didn't do
23 Google searches on obviously.

24 THE COURT: Give a copy to--give it back to the
25 clerk.

1 MR. HAAG: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 (APPROACHES COURTROOM DEPUTY)

4 THE COURT: See y'all at five after 1:00 and then
5 see what happens next.

6 (RECESS TAKEN)

7 (THE PANEL MEMBERS ARE PRESENT IN THE COURTROOM)

8 THE COURT: Ms. Nicholson?

9 PANEL MEMBER: Yes.

10 THE COURT: Ms. Nicholson, if you will come up and
11 take that seat right there at the front row. Ms. Barrett,
12 Ms. Godsey, Mr. Billstrom--Mr. Billstrom, yes. Ms. Arroyos,
13 Mr. White, Mr. Simpson, Mr. Florer, Mr. Brewer, Ms. Weisgerber,
14 Ms. Brownlow, Mr. Combs, Ms. Swapp, and Mr. Grieve, come up and
15 take that seat.

16 (THE JURORS ARE SEATED IN THE JURY BOX)

17 THE COURT: All right. If you're still seated out
18 there, you are free to go. Thank you very much for being here.
19 We greatly appreciate it.

20 (THE PANEL MEMBERS EXIT THE COURTROOM)

21 THE COURT: You may all be seated.

22 If y'all want to move forward, you can now
23 certainly, anybody in that back row.

24 All right. Ladies and gentlemen, if y'all would
25 rise now and raise your right hand and be sworn or affirmed.

1 (THE JURORS ARE SWORN)

2 THE COURT: Be seated, please.

3 Well, ladies and gentlemen, what I say now is
4 intended kind of as an introduction to the trial of the case.
5 It's not a substitute for the more detailed instructions that
6 I'll be giving you at the close of the evidence before you
7 retire to consider your verdict.

8 As I said, this is a criminal case commenced by the
9 United States--sometimes refer to them as the prosecution or
10 the government--against the defendant. It comes to court based
11 on an indictment by the grand jury. The indictment is dated
12 March 9th, 2011, and it alleges that the defendant, Khalid
13 Ali-M Aldawsari, did knowingly and unlawfully attempt to use a
14 weapon of mass destruction, that is, a destructive device,
15 being an explosive bomb or similar device, against any person
16 or property within the United States, and the mail and a
17 facility of interstate commerce was used in furtherance of the
18 offense, and the offense and the results of the offense, if it
19 succeeded, would have affected interstate commerce.

20 The defendant has denied the charges against him and
21 has entered a plea of not guilty, raising issues for you to
22 try.

23 Here's how a federal criminal trial starts. The
24 parties have an opportunity to make an opening statement. The
25 government must and the defendant may make an opening statement

1 at the beginning of the case. What is said in opening
2 statement is not evidence. The statement must simply serve the
3 purpose of an introduction to the evidence which the party
4 intends to produce, kind of an outline, if you will, to assist
5 you to understand the testimony and the documents. Then the
6 government will introduce evidence in support of the charges
7 contained in the indictment.

8 After the government has presented its evidence, the
9 defendant may present evidence, but they are not obligated to
10 do so. The burden is always on the government to prove every
11 element of each offense charged beyond a reasonable doubt. The
12 law never imposes on a defendant in a criminal case the burden
13 of calling any witnesses or introducing any evidence.

14 After the defendant has completed his case, saying
15 "Defense rests," the government may, under certain
16 circumstances, present rebuttal evidence.

17 At the conclusion of the evidence, each party has an
18 opportunity to present oral argument in support of its case.
19 What is said in closing, as in opening, is not evidence.
20 Arguments are designed to present to you the contentions of the
21 parties as to what they think the evidence has shown and what
22 inferences they would like for you to draw from the evidence
23 presented. The government has the right to open and to close
24 the argument. I will then instruct you on the applicable law
25 and will furnish you with a copy of the instructions, and then

1 you will retire to consider your verdict. Your verdict,
2 whether guilty or not guilty, must be unanimous.

3 Your purpose as jurors is to find and determine the
4 facts. Under our system of criminal procedure, you are the
5 sole judges of the facts. If, at any time, I make some comment
6 regarding the facts, you are at perfect liberty to disregard
7 it. It's important that you perform your duty of determining
8 the facts diligently and conscientiously.

9 On the other hand, and with equal emphasis, I
10 instruct you, the law as I give it to you is the only law for
11 your guidance. It's your duty to accept it and follow it, even
12 if you disagree with it. You are not at liberty to substitute
13 your own idea of what the law is or what the law ought to be.
14 We are a nation of laws, and one law governs us all.

15 You are here to determine the facts in the case
16 solely from the evidence presented. That is the testimony of
17 witnesses and exhibits received in evidence. Questions by
18 lawyers are not evidence. Evidence is the witnesses' answers
19 to the questions and any documents allowed into evidence.
20 Statements and arguments are not evidence. It's up to you to
21 decide what inferences are to be drawn from the evidence
22 presented and what facts have been established by the evidence.

23 From time to time, the parties may present
24 objections to some piece of evidence. It's the duty of a
25 lawyer to object to evidence that he or she believes is not

1 properly offered, and you should not be prejudiced in any way
2 against a lawyer who makes an objection, or against the party
3 he represents. Sometimes I may agree with the objection and
4 sustain it and direct that you disregard certain testimony or
5 exhibits. You must not consider any evidence or testimony
6 which I've instructed you to disregard.

7 Further, you must not consider anything you may have
8 read or heard about the case outside the courtroom, whether
9 before or during trial. During trial, it may be necessary for
10 me to confer with the lawyers from time to time outside of your
11 hearing concerning some question of law or procedure. It will
12 require consideration by the court alone. On some of those
13 occasions, you may be excused, as much as a convenience to you
14 as to us, while I discuss the matters with the lawyers. We
15 will try to limit those as much as possible, but please
16 remember at all times the importance of the matter you are here
17 to determine and be patient with us even when we seem to be
18 going slowly.

19 You will be listening to the testimony of a number
20 of witnesses. You are the sole judges of the credibility or
21 believability of each witness and the weight to be given to the
22 witness's testimony. In considering the weight and value of
23 the testimony of any witness, take into consideration such
24 things as the appearance, attitude or behavior of the witness,
25 the interest of the witness in the outcome of the case, if any;

1 his relationship to any of the parties, his inclination to
2 speak truthfully or not, the probability or improbability of
3 the witness's statements, and all other facts and circumstances
4 in evidence. Thus, it's up to you. You give the testimony of
5 any witness as much weight and value as you think it deserves.

6 It's very important that you hear all of the
7 testimony presented by each witness, so if, during trial, you
8 have trouble hearing any of the lawyers or witnesses or me,
9 raise your hand, and I will know to ask the lawyer or the
10 witness to speak more clearly or more slowly, as the case may
11 be. As I said, it's up to you, the jury, who are judges of the
12 facts, and, as such, it's important you are able to hear and
13 understand all that's being presented in evidence.

14 Tomorrow, when we come back after lunch, I don't
15 know about you, but I sometimes get sleepy after lunch. Let me
16 tell you what I do. I stand up. If you get sleepy, stand up.
17 And I'll tell you something else. Some of you may, when you
18 think, close your eyes. Well, we don't know whether you're
19 closing your eyes because you're thinking or because you're
20 asleep, so please, don't close your eyes for very long or I'll
21 have to say, "Are you awake," and call out. So if you close
22 your eyes, don't leave them closed for very long.

23 I'm going to ask you to wear those juror buttons at
24 all times while you're in this building. It identifies you as
25 a juror and warns people not to stop and talk to you. As I

1 say, we want to avoid any impropriety, or even the appearance
2 of impropriety. During lunch breaks, you needn't remain
3 together. Eat lunch wherever you please. If you are
4 unfamiliar with the eating places downtown, the deputy marshal
5 will be happy to assist you. You are not required to remain
6 together while the court is in recess. You are allowed to go
7 and come to court and to home when we finish at the end of the
8 day. It's not, as I said, a sequestered jury. But it is
9 important that you obey the following instructions:

10 First, don't discuss the case, even among yourselves
11 or with anyone else, not even your nearest and dearest, during
12 the course of the trial. It's only after you've heard all of
13 the evidence and the attorneys' summations and my instructions
14 that you retire to consider your verdict. During trial, you
15 should try to keep an open mind and reach your verdict only
16 during your final deliberations. And that's why I ask you,
17 please, don't discuss the case, even among yourselves, until
18 you retire for your final deliberations. Don't let anybody
19 else talk to you about the case, and if anyone does so despite
20 you telling them not to, report that fact to me as soon as you
21 are able.

22 Next, it's a normal human tendency to talk to people
23 that you see every day. I mean, our moms taught us to be
24 polite. We say "Good morning" when we recognize somebody. Not
25 while you're on the jury. Don't talk to any of the witnesses,

1 any of the parties, any of the lawyers. If they're not court
2 personnel, don't talk to them. Why do I say that? While
3 you're out in the hall, you ask one of the lawyers, "Where is a
4 good place to eat," and they tell you. What's the harm? The
5 harm is, somebody down the hall sees you talking and has no
6 idea what you're talking about, and he'll always wonder. So
7 that's why I tell you not to.

8 In addition, I've told the lawyers that they're not
9 to talk to you, not to even wish you a good morning. So don't
10 you wish them good morning and then they have got to decide who
11 they're going to make mad, you or me. It's just not fair.

12 The case will be subject to some news coverage. I
13 instruct you you are not to read, watch, or listen to any such
14 coverage. You must not use the Internet services, such as
15 Google, Yahoo, to individually collect any information or do
16 any research, including about the law, or any information about
17 the lawyers or me or--just don't do any research about this
18 case whatsoever. The parties-- After you have been
19 discharged, you can read anything you want to and do all the
20 research you want to, but until you are discharged, please
21 don't mess with the Internet about this case. The case--your
22 decision comes from what you see and hear in this courtroom,
23 and that's it.

24 Now, I'm going to let you-- Let me ask you
25 something. Who lives the furthest from here?

1 UNIDENTIFIED JUROR: 100 miles.

2 THE COURT: 100 miles?

3 UNIDENTIFIED JUROR: 90, about 90 miles.

4 THE COURT: Okay. Let me--y'all be thinking about
5 this. I want everybody to be here at 9:00 tomorrow morning.
6 We can go on Saturday if you want to. If you don't want to
7 commute the 100 miles, Madam Clerk, we can give them per diem
8 to stay here in town. Right?

9 JURY CLERK: Yes.

10 THE COURT: So if you don't want to drive home every
11 night, check with the clerk and make arrangements for your per
12 diem. But most of us would rather not go on Saturday, but if
13 it's--as I've told the lawyers, I'm more interested in your
14 comfort than anybody else's, including my own, so if y'all want
15 to go on Saturday, we can go on Saturday. But otherwise, we'll
16 go tomorrow, and then we'll pick up on Monday. But I'll ask
17 y'all about it tomorrow morning.

18 Now, Marshal, do we--the jury room is probably the
19 best place for them to meet to wait for us to start in the
20 morning; is that right?

21 COURT SECURITY OFFICER: Yes, sir.

22 THE COURT: If you'll show them the jury room, I'm
23 going to let them go home. Okay? All rise for the jury.

24 (THE JURORS EXIT THE COURTROOM)

25 THE COURT: All right. You may be seated.

1 Just the lawyers, we're going to take, what, 2:30?

2 2:30 okay?

3 MR. COGDELL: Yes, sir.

4 MR. HAAG: Yes, Your Honor.

5 THE COURT: Now, we can let the defendant go back?

6 MR. COGDELL: Yes, sir.

7 THE COURT: The courtroom will be closed. What
8 we'll be doing is some pretrial matters that are not a matter
9 of public record. So everybody else can leave for the day, but
10 the lawyers, I'd like back here at 2:30, please.

11 MR. HAAG: Yes, Your Honor.

12 MR. COGDELL: Yes, Your Honor.

13 THE COURT: Thank you.

14 (RECESS TAKEN)

15 (TRANSCRIPT OF PRETRIAL CONFERENCE PREPARED IN SEPARATE
16 VOLUME)

17 * * * * *

18 I certify that the foregoing is a correct transcript from
19 the record of proceedings in the above-entitled matter. I
20 further certify that the transcript fees and format comply with
those prescribed by the Court and the Judicial Conference of
the United States.

21

22 s/ Mechelle Daniel **DATE** DECEMBER 17, 2012

23 Mechelle Daniel
24 Official Court Reporter

25